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Presidential Documents

Title 3—

The President

Proclamation 9617 of May 24, 2017

Prayer for Peace, Memorial Day, 2017

By the President of the United States of America

A Proclamation

Memorial Day is our Nation's solemn reminder that freedom is never free. It is a moment of collective reflection on the noble sacrifices of those who gave the last measure of devotion in service of our ideals and in the defense of our Nation. On this ceremonious day, we remember the fallen, we pray for a lasting peace among nations, and we honor these guardians of our inalienable rights.

This year, we commemorate the centennial anniversary of America's entry into World War I. More than 4.7 million Americans served during The Great War, representing more than 25 percent of the American male population between the ages of 18 and 31 at the time. We remember the more than 100,000 Americans who sacrificed their lives during ''The War to End All Wars,'' and who left behind countless family members and loved ones. We pause again to pray for the souls of those heroes who, one century ago, never returned home after helping to restore peace in Europe.

On Memorial Day we honor the final resting places of the more than one million men and women who sacrificed their lives for our Nation, by decorating their graves with the stars and stripes, as generations have done since 1868. We also proudly fly America's beautiful flag at our homes, businesses, and in our community parades to honor their memory. In doing so, we pledge our Nation's allegiance to the great cause of freedom for which they fought and ultimately died.

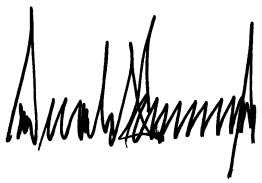
In honor and recognition of all of our fallen service members, the Congress, by a joint resolution approved May 11, 1950, as amended (36 U.S.C. 116), has requested the President issue a proclamation calling on the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period on that day when the people of the United States might unite in prayer. The Congress, by Public Law 106–579, has also designated 3:00 p.m. local time on that day as a time for all Americans to observe, in their own way, the National Moment of Remembrance.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim Memorial Day, May 29, 2017, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11:00 a.m. of that day as a time when people might unite in prayer. I urge the press, radio, television, and all other information media to cooperate in this observance.

I further ask all Americans to observe the National Moment of Remembrance beginning at 3:00 p.m. local time on Memorial Day.

I also request the Governors of the United States and its Territories, and the appropriate officials of all units of government, to direct that the flag be flown at half-staff until noon on this Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control. I also request the people of the United States to display the flag at half-staff from their homes for the customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of May, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.



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Rules and Regulations

Federal Register
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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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AN48

Prevailing Rate Systems; Redefinition of Certain Nonappropriated Fund Federal Wage System Wage Areas

AGENCY: U.S. Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This rule amends the geographic boundaries of several nonappropriated fund (NAF) Federal Wage System (FWS) wage areas. Based on consensus recommendations of the Federal Prevailing Rate Advisory Committee (FPRAC), the U.S. Office of Personnel Management (OPM) is defining Lee County, Florida, as an area of application county to the Hillsborough, FL, NAF FWS wage area; Leon County, FL, as an area of application county to the Lowndes, Georgia, NAF FWS wage area; Fulton County, GA, as an area of application county to the Cobb, GA, NAF FWS wage area; and Lane County, Oregon, as an area of application county to the Pierce, Washington, NAF FWS wage area. These changes are necessary because there are NAF FWS employees working in these four counties, and the counties are not currently defined in regulation to NAF wage areas. In addition, OPM is removing Mississippi County, Arkansas, from the wage area definition of the Shelby, Tennessee, NAF FWS wage area because there are no longer NAF FWS employees working in the county.

DATES:

Effective date: This regulation is effective on May 31, 2017.

Applicability date: This change applies on the first day of the first applicable pay period beginning on or after June 30, 2017.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, by telephone at (202) 606–2838 or by email at *pay-leave-policy@opm.gov.*

SUPPLEMENTARY INFORMATION: On January 12, 2017, OPM issued a proposed rule (82 FR 3677) to define—

- Lee County, Florida, as an area of application county to the Hillsborough, FL, NAF FWS wage area;
- Leon County, FL, as an area of application county to the Lowndes, Georgia, NAF FWS wage area;
- Fulton County, GA, as an area of application county to the Cobb, GA, NAF FWS wage area; and
- Lane County, Oregon, as an area of application county to the Pierce, Washington, NAF FWS wage area.

In addition, the proposed rule removed Mississippi County, AR, from the wage area definition of the Shelby, TN, NAF FWS wage area.

FPRAC, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, reviewed and recommended this change by consensus. These changes will apply on the first day of the first applicable pay period beginning on or after 30 days following publication of the final regulations.

The proposed rule had a 30-day comment period, during which OPM received no comments.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

Accordingly, OPM is proposing to amend 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

■ 1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

Appendix D to Subpart B of Part 532—Nonappropriated Fund Wage and Survey Areas

■ 2. Appendix D to subpart B is amended by revising the wage area listing for the Hillsborough, FL; Cobb, GA; Lowndes, GA; Shelby, TN; and Pierce, WA, wage areas to read as follows:

Appendix D to Subpart B—Nonappropriated Fund Wage and Survey Areas

* * * * *

FLORIDA

* * * * *

Hillsborough

Survey Area

Florida:
Hillsborough

Area of Application. Survey area plus:

Florida:
Lee
Pinellas
Polk

* * * * *

GEORGIA

* * * * *

Cobb

Survey Area

Georgia:
Cobb

Area of Application. Survey area plus:

Georgia:
Bartow
De Kalb
Fulton

* * * * *

Lowndes

Survey Area

Georgia:
Lowndes

Area of Application. Survey area plus:

Florida:
Leon

* * * * *

TENNESSEE

Shelby

Survey Area

Tennessee:
Shelby

Area of Application. Survey area plus:

Missouri:
Butler

* * * * *

WASHINGTON

* * * * *

Pierce

Survey Area

Washington:
Pierce

Area of Application. Survey area plus:

Oregon:
Clatsop
Coos
Douglas
Multnomah
Tillamook

Washington:
Clark
Grays Harbor
Lane

* * * * *

[FR Doc. 2017–11232 Filed 5–30–17; 8:45 am]

BILLING CODE 6325–39–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Part 1631

Freedom of Information Act Regulations

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Final rule.

SUMMARY: The Federal Retirement Thrift Investment Board (Board) is amending its Freedom of Information Act (FOIA) regulations to implement recommendations made by the National Archives and Records Administration's (NARA) Office of Government Information Services (OGIS) and reflect the amendments required by the FOIA Improvement Act of 2016.

DATES: This rule is effective May 31, 2017.

FOR FURTHER INFORMATION CONTACT: Dharmesh Vashee, Deputy General Counsel, Federal Retirement Thrift Investment Board, Office of General Counsel, 77 K Street NE., Suite 1000, Washington, DC 20002, 202–639–4424. You may also contact Amanda Haas, FOIA Officer, Office of General Counsel, at the above address and by phone at 202–942–1660.

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

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation will affect Federal employees and members of the uniformed services who participate in the TSP.

Paperwork Reduction Act

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

Unfunded Mandates Reform Act of 1995

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

List of Subjects in 5 CFR Part 1631

Freedom of information, Records.

For the reasons stated in the preamble, the Board amends 5 CFR part 1631 as follows:

PART 1631—AVAILABILITY OF RECORDS

■ 1. The authority for part 1631 continues to read as follows:

Authority: 5 U.S.C. 552.

■ 2. Amend § 1631.1 by adding new paragraphs (j), (k), and (l) to read as follows:

§ 1631.1 Definitions.

* * * * *

(j) *FOIA Public Liaison* means the Board official who is responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes.

(k) *Requestor category* means one of the three categories that agencies place requesters in for the purpose of determining whether a requester will be charged fees for search, review, and/or duplication, including:

(1) Commercial use requestors,

(2) Non-commercial scientific or educational institutions or news media requesters, and

(3) All other requestors.

(l) *Fee waiver* means the waiver or reduction of processing fees if a requester can demonstrate that certain statutory standards are satisfied including that the information is in the public interest and is not requested for a commercial interest.

■ 3. Amend § 1631.4 by revising the section heading and paragraph (a) to read as follows:

§ 1631.4 Proactive disclosure of Board records.

(a) Records that are required by the FOIA to be made available for public inspection and copying may be accessed through the Board's Web site at *https://www.frtib.gov*. The Board is responsible for determining which of its records are required to be made publicly available, as well as identifying additional records of interest to the public that are appropriate for public disclosure, and for posting and indexing such records. The Board shall ensure that its Web site of posted records and indices is reviewed and updated on an ongoing basis. The Board has a FOIA Public Liaison who can assist individuals in locating records particular to a component. The FOIA Public Liaison can be contacted at *frtibfoialiaison@tsp.gov*.

* * * * *

■ 4. Revise § 1631.5 to read as follows:

§ 1631.5 Records of other agencies.

Requests for records that originated in another agency and that are in the custody of the Board may, in appropriate circumstances, be referred to that agency for consultation or processing, and the requestor shall be notified of the part or parts of the request that have been referred and provided with a point of contact within the receiving agency.

■ 5. In § 1631.6, in paragraphs (a)(1), (a)(2) and (a)(3), remove the word ''must'' and add in its place the word ''should'' and revise the last sentence in paragraph (e) to read as follows:

§ 1631.6 How to request records—form and content.

(e) * * * Any Board employee or official who receives an oral request for records shall inform the requestor that FOIA requires requests to be in writing according to the procedures set out herein.

* * * * *

■ 6. Amend § 1631.8 by revising paragraph (b) to read as follows:

§ 1631.8 Prompt response.

* * * * *

(b) The FOIA Officer will either approve or deny a reasonably descriptive request for records within 20

workdays after receipt of the request. Whenever the Board cannot meet the statutory time limit for processing a request because of ''unusual circumstances,'' as defined in the FOIA, and the Board extends the time limit on that basis, the Board must, before expiration of the 20-day period to respond, notify the requester in writing of the unusual circumstances involved and of the date by which the Board estimates processing of the request will be completed. Where the extension exceeds 10 working days, the Board must, as described by the FOIA, provide the requester with an opportunity to modify the request or arrange an alternative time period for processing the original or modified request through the Board's FOIA Public Liaison or FOIA Officer.

* * * * *

■ 7. Amend § 1631.9 by revising the last sentence of paragraph (a), and paragraph (b)(5) to read as follows:

§ 1631.9 Responses—form and content.

(a) * * * The notification shall also provide the requestor with an estimated amount of fees assessed under § 1631.13 of this part, including a breakdown of the fees for search, review, and/or duplication.

(b) * * *

(5) A statement that the denial may be appealed to the Executive Director within 90 calendar days of receipt of the denial or partial denial, that the requestor has the option to contact the Agency's FOIA Liaison at *frtibfoialiaison@tsp.gov,* and that the requestor has the option to contact the Office of Government Information Service (OGIS) as a non-exclusive alternative to litigation.

* * * * *

■ 8. Amend § 1631.10 by revising paragraph (a), adding a sentence to the end of paragraph (e), and adding paragraphs (h) and (i) to read as follows:

§ 1631.10 Appeals to the Executive Director from initial denials.

(a) A requestor may appeal any adverse determinations to the Executive Director. The appeal must be made in writing and for it to be considered timely it must be postmarked, or in the case of electronic submissions, transmitted, within 90 calendar days of receipt of the denial or partial denial. The appeal should be addressed to the Executive Director, Federal Retirement Thrift Investment Board, 77 K Street NE., Suite 1000, Washington, DC 20002, and should be clearly labeled as a ''Freedom of Information Act Appeal.''

* * * * *

(e) * * * The denial will also inform the requester of the mediation services offered by the Office of Government Information Services (OGIS) of the National Archives and Records Administration as a non-exclusive alternative to litigation. If the FOIA Officer's decision is remanded or modified on appeal, the requestor will be notified of that determination in writing.

* * * * *

(h) Seeking mediation and dispute resolution services through OGIS is a voluntary process. If the requestor chooses to use these services, the Board will work with OGIS to resolve disputes between requestors and the Board as a non-exclusive alternative to litigation.

(i) Before seeking review by a court of the FOIA Officer's adverse determination, a requestor generally must first submit a timely administrative appeal to the Executive Director.

■ 9. Amend § 1631.11 by revising paragraph (a) introductory text, paragraphs (a)(1) through (a)(3), and the first sentence of paragraph (a)(4), and adding paragraph (d) to read as follows:

§ 1631.11 Fees to be charged—categories of requestors.

(a) In general, the Board will charge for processing requests under the FOIA in accordance with the provisions of this section and with the OMB Guidelines. For purposes of assessing fees there are three categories of FOIA requestors—commercial use requestors, non-commercial scientific or educational institutions or news media requesters, and all other requestors.

(1) Fees shall be limited to reasonable standard charges for document search, duplication, and review, when records are requested for commercial use. Commercial users are not entitled to two hours of free search time or 100 free pages of reproduction of documents. The full allowable direct cost of searching for, and reviewing records will be charged even if there is ultimately no disclosure of records. A commercial use request is a request that asks for information for a use or a purpose that furthers a commercial, trade, or profit interest, which can include furthering those interests through litigation. The Board's decision to place a requester in the commercial use category will be made on a case-by-case basis based on the requester's intended use of the information. The Board will notify requesters of their placement in this category.

(2) Fees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by a representative of the news media. A representative of the news media is any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. The term ''news'' means information that is about current events or that would be of current interest to the public. The Board will advise requesters of their placement in this category.

(3) Fees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by an educational or noncommercial scientific institution, whose purpose is scholarly or scientific research. A noncommercial scientific institution is an institution that is not operated on a ''commercial'' basis, as defined in paragraph (a)(1) of this section and that is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry. A requester in this category must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are sought to further scientific research and are not for a commercial use. The Board will advise requesters of their placement in this category.

(4) For any request which does not meet the criteria contained in paragraphs (a)(1) through (3) of this section, fees shall be limited to reasonable standard charges for document search and duplication, except that the first 100 pages of reproduction and the first two hours of search time will be furnished without charge. * * *

* * * * *

(d) Except as provided in paragraphs (d)(1) through (d)(3) of this section, the Board will not assess any search fees (or duplication fees for requesters under (a)(2) or (3) of this section) if the Board fails to comply with the time limits set forth in § 1631.8.

(1) If the Board determines that ''unusual circumstances,'' as defined in the FOIA, apply and the Board provided a timely written notice to the requester in accordance with § 1631.8, the Board is excused for an additional 10 days from the restrictions of this section.

(2) If the Board has determined that unusual circumstances apply and more than 5,000 pages are necessary to respond to the request, the Board may charge search fees (or duplication fees

for requesters under (a)(2) or (3) of this section) if the Board provided a timely written notice to the requester in accordance with § 1631.8 and the Board has discussed with the requester, or made not less than 3 good-faith attempts to do so, how the requester could effectively limit the scope of the request.

(3) If a court has determined that exceptional circumstances exist, as defined in the FOIA, the Agency's delay shall be excused in accordance with the court order.

■ 10. Amend § 1631.14 by revising the first sentence of paragraph (c)(3) to read as follows:

§ 1631.14 Fee schedule.

* * * * *

(c) * * *

(3) For copies prepared by computer, such as tapes, printouts, or CD's the Board shall charge the actual cost, including operator time, of producing the tapes, printouts, or CD's. * * *

* * * * *

■ 11. Amend § 1631.15 by adding a sentence at the end of paragraph (a), and revising paragraph (b)(1), removing the undesignated paragraph after (b)(1) and adding paragraph (b) (1) (ii) to read as follows:

§ 1631.15 Information to be disclosed.

(a) * * * Nevertheless, the Board will consider whether partial disclosure of information is possible whenever full disclosure of the record is not and take reasonable steps to segregate and release nonexempt information.

(b) * * *

(1) (i) Board personnel will generally consider two of the nine exemptions in the FOIA in deciding whether to withhold from disclosure material from a non-U.S. Government source.

(ii) Exemption 4 permits withholding of ''trade secrets and commercial or financial information obtained from a person as privileged or confidential.'' The term ''person'' refers to individuals as well as to a wide range of entities, including corporations, banks, state governments, agencies of foreign governments, and Native American tribes or nations, who provide information to the government. Exemption 6 permits withholding certain information, the disclosure of which ''would constitute a clearly unwarranted invasion of personal privacy.''

* * * * *

■ 12. Revise § 1631.17 to read as follows:

§ 1631.17 Deletion of exempted information.

Where requested records contain matters which are exempted under 5 U.S.C. 552(b) but which matters are reasonably segregable from the remainder of the records, they shall be disclosed by the Board with deletions. To each such record, the Board shall indicate, if technically feasible, the precise amount of information deleted and the exemption under which the deletion is made, at the place in the records where the deletion is made, unless including that indication would harm an interest protected by the exemption.

■ 13. Add § 1631.19 to read as follows:

§ 1631.19 Preservation of records.

(a) The Board must preserve all correspondence pertaining to the requests that it receives as well as copies of all requested records, until disposition or destruction is authorized by the Board's General Records Schedule of the National Archives and Records Administration (NARA) or other NARA-approved records retention schedule.

(b) Materials that are identified as responsive to a FOIA request will not be disposed of or destroyed while the request or a related appeal of lawsuit is pending. This is true even if they would otherwise be authorized for disposition under the Board's General Records Schedule of NARA or other NARA-approved records schedule.

Dated: May 17, 2017.

Ravindra Deo,

Acting Executive Director.

[FR Doc. 2017–11084 Filed 5–30–17; 8:45 am]

BILLING CODE 6760–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2017–0378; Special Conditions No. 25–686–SC]

Special Conditions: Textron Aviation Inc., Model 750 Airplane; Non-Rechargeable Lithium Battery Installations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comment.

SUMMARY: These special conditions are issued for non-rechargeable lithium battery installations on the Textron Aviation Inc. (Textron) Model 750 airplane. Non-rechargeable lithium batteries are a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Textron on May 31, 2017. We must receive your comments by July 17, 2017.

ADDRESSES: Send comments identified by docket number FAA–2017–0378 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

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

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

FOR FURTHER INFORMATION CONTACT: Nazih Khaouly, Airplane and Flight

Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98057–3356; telephone 425–227–2432; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION:

Future Requests for Installation of Non-Rechargeable Lithium Batteries

The FAA anticipates that non-rechargeable lithium batteries will be installed in most makes and models of transport category airplanes. We intend to require special conditions for certification projects involving non-rechargeable lithium battery installations to address certain safety issues until we can revise the airworthiness requirements. Applying special conditions to these installations across the range of transport category airplanes will ensure regulatory consistency.

Typically, the FAA issues special conditions after receiving an application for type certificate approval of a novel or unusual design feature. However, the FAA has found that the presence of non-rechargeable lithium batteries in certification projects is not always immediately identifiable, since the battery itself may not be the focus of the project. Meanwhile, the inclusion of these batteries has become virtually ubiquitous on in-production transport category airplanes, which shows that there will be a need for these special conditions. Also, delaying the issuance of special conditions until after each design application is received could lead to costly certification delays. Therefore the FAA finds it necessary to issue special conditions applicable to these battery installations on particular makes and models of aircraft.

On April 22, 2016, the FAA published special conditions no. 25–612–SC in the **Federal Register** (81 FR 23573) applicable to Gulfstream Aerospace Corporation for the GVI airplane. Those were the first special conditions the FAA issued for non-rechargeable lithium battery installations. We explained in that document our decision to make those special conditions effective one year after publication in the **Federal Register**, which is April 22, 2017. In those special conditions, the FAA stated its intention to apply non-rechargeable lithium battery special conditions to design changes on other makes and models applied for after this same date.

Section 1205 of the FAA Reauthorization Act of 1996 requires the FAA to consider the extent to which Alaska is not served by transportation modes other than aviation and to establish appropriate regulatory distinctions when modifying airworthiness regulations that affect intrastate aviation in Alaska. In consideration of this requirement and the overall impact on safety, the FAA does not intend to require non-rechargeable lithium battery special conditions for design changes that only replace a 121.5 megahertz (MHz) emergency locator transmitter (ELT) with a 406 MHz ELT that meets Technical Standard Order C126b, or later revision, on transport airplanes operating only in Alaska. This will support our efforts of encouraging operators in Alaska to upgrade to a 406 MHz ELT. These ELTs provide significantly improved accuracy for lifesaving services to locate an accident site in Alaskan terrain. The FAA considers that the safety benefits from upgrading to a 406 MHz ELT for Alaskan operations will outweigh the battery fire risk.

Comments Invited

The substance of these special conditions has been subjected to the notice and comment period in prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon publication in the **Federal Register**. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

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

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

Background

Textron holds type certificate no. T00007WI, which provides the certification basis for the Model 750 airplane. The Model 750 is a twin engine, transport category airplane with a passenger seating capacity of 12 and a maximum takeoff weight of 35,700 to 36,600 pounds, depending on the specific design.

The FAA is issuing these special conditions for non-rechargeable lithium battery installations on the Model 750 airplane. The current battery requirements in title 14, Code of Federal Regulations (14 CFR) part 25 are inadequate for addressing an airplane with non-rechargeable lithium batteries.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Textron must show that the Model 750 airplane meets the applicable provisions of the regulations listed in type certificate no. T00007WI or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA. In addition, the certification basis includes certain special conditions, exemptions, or later amended sections that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model 750 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the airplane model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model 750 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Feature

The novel or unusual design feature is the installation of non-rechargeable lithium batteries.

For the purpose of these special conditions, we refer to a battery and battery system as a battery. A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside

of the battery. It also includes vents (where necessary) and packaging.

Discussion

The FAA derived the current regulations governing installation of batteries in transport category airplanes from Civil Air Regulations (CAR) 4b.625(d) as part of the recodification of CAR 4b that established 14 CFR part 25 in February 1965. This recodification basically reworded the CAR 4b battery requirements, which are currently in § 25.1353(b)(1) through (4). Non-rechargeable lithium batteries are novel and unusual with respect to the state of technology considered when these requirements were codified. These batteries introduce higher energy levels into airplane systems through new chemical compositions in various battery cell sizes and construction. Interconnection of these cells in battery packs introduces failure modes that require unique design considerations, such as provisions for thermal management.

Recent events involving rechargeable and non-rechargeable lithium batteries prompted the FAA to initiate a broad evaluation of these energy storage technologies. In January 2013, two independent events involving rechargeable lithium-ion batteries revealed unanticipated failure modes. A National Transportation Safety Board (NTSB) letter to the FAA, dated May 22, 2014, which is available at *http://www.ntsb.gov,* filename A–14–032–036.pdf, describes these events.

On July 12, 2013, an event involving a non-rechargeable lithium battery in an emergency locator transmitter installation demonstrated unanticipated failure modes. The United Kingdom's Air Accidents Investigation Branch Bulletin S5/2013 describes this event.

Some known uses of rechargeable and non-rechargeable lithium batteries on airplanes include:

- Flight deck and avionics systems such as displays, global positioning systems, cockpit voice recorders, flight data recorders, underwater locator beacons, navigation computers, integrated avionics computers, satellite network and communication systems, communication management units, and remote-monitor electronic line-replaceable units;
- Cabin safety, entertainment, and communications equipment, including emergency locator transmitters, life rafts, escape slides, seatbelt air bags, cabin management systems, Ethernet switches, routers and media servers, wireless systems, internet and in-flight entertainment systems, satellite televisions, remotes, and handsets;
- Systems in cargo areas including door controls, sensors, video surveillance equipment, and security systems.

Some known potential hazards and failure modes associated with non-rechargeable lithium batteries are:

- Internal failures: In general, these batteries are significantly more susceptible to internal failures that can result in self-sustaining increases in temperature and pressure (*i.e.,* thermal runaway) than their nickel-cadmium or lead-acid counterparts. The metallic lithium can ignite, resulting in a self-sustaining fire or explosion.
- Fast or imbalanced discharging: Fast discharging or an imbalanced discharge of one cell of a multi-cell battery may create an overheating condition that results in an uncontrollable venting condition, which in turn leads to a thermal event or an explosion.
- Flammability: Unlike nickel-cadmium and lead-acid batteries, lithium batteries use higher energy and current in an electrochemical system that can be configured to maximize energy storage of lithium. They also use liquid electrolytes that can be extremely flammable. The electrolyte, as well as the electrodes, can serve as a source of fuel for an external fire if the battery casing is breached.

Special condition no. 1 of these special conditions requires that each individual cell within a non-rechargeable lithium battery be designed to maintain safe temperatures and pressures. Special condition no. 2 addresses these same issues but for the entire battery. Special condition no. 2 requires the battery be designed to prevent propagation of a thermal event, such as self-sustained, uncontrollable increases in temperature or pressure from one cell to adjacent cells.

Special conditions nos. 1 and 2 are intended to ensure that the non-rechargeable lithium battery and its cells are designed to eliminate the potential for uncontrollable failures. However, a certain number of failures will occur due to various factors beyond the control of the battery designer. Therefore, other special conditions are intended to protect the airplane and its occupants if failure occurs.

Special conditions 3, 7, and 8 are self-explanatory.

Special condition no. 4 makes it clear that the flammable fluid fire protection requirements of § 25.863 apply to non-rechargeable lithium battery installations. Section 25.863 is applicable to areas of the airplane that could be exposed to flammable fluid leakage from airplane systems. Non-rechargeable lithium batteries contain an electrolyte that is a flammable fluid.

Special condition no. 5 requires that each non-rechargeable lithium battery installation not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

While special condition no. 5 addresses corrosive fluids and gases, special condition no. 6 addresses heat. Special condition no. 6 requires that each non-rechargeable lithium battery installation have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat the battery installation can generate due to any failure of it or its individual cells. The means of meeting special conditions nos. 5 and 6 may be the same, but the requirements are independent and address different hazards.

These special conditions apply to all non-rechargeable lithium battery installations in lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments. Those regulations remain in effect for other battery installations.

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

Applicability

These special conditions are applicable to the Textron Model 750 airplane. Should Textron apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

These special conditions are only applicable to design changes applied for after the effective date.

These special conditions are not applicable to changes to previously certified non-rechargeable lithium battery installations where the only change is either cosmetic or to relocate the installation to improve the safety of the airplane and occupants. Previously certified non-rechargeable lithium battery installations, as used in this paragraph, are those installations approved for certification projects applied for on or before the effective date of these special conditions. A cosmetic change is a change in appearance only, and does not change any function or safety characteristic of the battery installation. These special conditions are also not applicable to

unchanged, previously certified non-rechargeable lithium battery installations that are affected by a change in a manner that improves the safety of its installation. The FAA determined that these exclusions are in the public interest because the need to meet all of the special conditions might otherwise deter these design changes that improve safety.

Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane. It is not a rule of general applicability.

The substance of these special conditions has been subjected to the notice and comment period in prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon publication in the **Federal Register**. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Textron Model 750 airplane.

Non-Rechargeable Lithium Battery Installations

In lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments, each non-rechargeable lithium battery installation must:

1. Be designed to maintain safe cell temperatures and pressures under all foreseeable operating conditions to prevent fire and explosion.

2. Be designed to prevent the occurrence of self-sustaining, uncontrollable increases in temperature or pressure.

3. Not emit explosive or toxic gases, either in normal operation or as a result of its failure, that may accumulate in hazardous quantities within the airplane.

4. Meet the requirements of § 25.863.

5. Not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

6. Have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat it can generate due to any failure of it or its individual cells.

7. Have a failure sensing and warning system to alert the flightcrew if its failure affects safe operation of the airplane.

8. Have a means for the flightcrew or maintenance personnel to determine the battery charge state if the battery's function is required for safe operation of the airplane.

Note: A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging. For the purpose of these special conditions, a ''battery'' and ''battery system'' are referred to as a battery.

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

Michael Kaszycki,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–11162 Filed 5–30–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2017–0386; Special Conditions No. 25–687–SC]

Special Conditions: The Boeing Company, Model 777–300ER Series Airplanes; Non-Rechargeable Lithium Battery Installations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comment.

SUMMARY: These special conditions are issued for non-rechargeable lithium battery installations on The Boeing Company (Boeing) Model 777–300ER series airplanes. Non-rechargeable lithium batteries are a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on The Boeing Company on May 31, 2017. We must receive your comments by July 17, 2017.

ADDRESSES: Send comments identified by docket number FAA–2017–0386 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), 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 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: Nazih Khaouly, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98057–3356;

telephone 425–227–2432; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION:

Future Requests for Installation of Non-Rechargeable Lithium Batteries

The FAA anticipates that non-rechargeable lithium batteries will be installed in most makes and models of transport category airplanes. We intend to require special conditions for certification projects involving non-rechargeable lithium battery installations to address certain safety issues until we can revise the airworthiness requirements. Applying special conditions to these installations across the range of transport category airplanes will ensure regulatory consistency.

Typically, the FAA issues special conditions after receiving an application for type certificate approval of a novel or unusual design feature. However, the FAA has found that the presence of non-rechargeable lithium batteries in certification projects is not always immediately identifiable, since the battery itself may not be the focus of the project. Meanwhile, the inclusion of these batteries has become virtually ubiquitous on in-production transport category airplanes, which shows that there will be a need for these special conditions. Also, delaying the issuance of special conditions until after each design application is received could lead to costly certification delays. Therefore the FAA finds it necessary to issue special conditions applicable to these battery installations on particular makes and models of aircraft.

On April 22, 2016, the FAA published special conditions no. 25–612–SC in the **Federal Register** (81 FR 23573) applicable to Gulfstream Aerospace Corporation for the GVI airplane. Those were the first special conditions the FAA issued for non-rechargeable lithium battery installations. We explained in that document our decision to make those special conditions effective one year after publication in the **Federal Register**, which is April 22, 2017. In those special conditions, the FAA stated its intention to apply non-rechargeable lithium battery special conditions to design changes on other makes and models applied for after this same date.

Section 1205 of the FAA Reauthorization Act of 1996 requires the FAA to consider the extent to which Alaska is not served by transportation modes other than aviation and to establish appropriate regulatory distinctions when modifying airworthiness regulations that affect intrastate aviation in Alaska. In consideration of this requirement and the overall impact on safety, the FAA does not intend to require non-rechargeable lithium battery special conditions for design changes that only replace a 121.5 megahertz (MHz) emergency locator transmitter (ELT) with a 406 MHz ELT that meets Technical Standard Order C126b, or later revision, on transport airplanes operating only in Alaska. This will support our efforts of encouraging operators in Alaska to upgrade to a 406 MHz ELT. These ELTs provide significantly improved accuracy for lifesaving services to locate an accident site in Alaskan terrain. The FAA considers that the safety benefits from upgrading to a 406 MHz ELT for Alaskan operations will outweigh the battery fire risk.

Comments Invited

The substance of these special conditions has been subjected to the notice and comment period in prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon publication in the **Federal Register**. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

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

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

Background

Boeing holds type certificate no. T00001SE, which provides the certification basis for the 777–300ER series airplanes. The 777–300ER is a swept wing, twin engine, transport category airplane with a passenger seating capacity of 550.

The FAA is issuing these special conditions for non-rechargeable lithium battery installations on the 777–300ER series airplanes. The current battery requirements in title 14, Code of Federal Regulations (14 CFR) part 25 are inadequate for addressing an airplane with non-rechargeable lithium batteries.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Boeing must show that the 777–300ER series airplanes meet the applicable provisions of the regulations listed in type certificate no. T00001SE or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA. In addition, the certification basis includes certain special conditions, exemptions, or later amended sections that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the 777–300ER series airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the airplane model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the 777–300ER series airplanes must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Feature

The novel or unusual design feature is the installation of non-rechargeable lithium batteries.

For the purpose of these special conditions, we refer to a battery and battery system as a battery. A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging.

Discussion

The FAA derived the current regulations governing installation of batteries in transport category airplanes from Civil Air Regulations (CAR) 4b.625(d) as part of the recodification of CAR 4b that established 14 CFR part 25 in February 1965. This recodification basically reworded the CAR 4b battery requirements, which are currently in § 25.1353(b)(1) through (4). Non-rechargeable lithium batteries are novel and unusual with respect to the state of technology considered when these requirements were codified. These batteries introduce higher energy levels into airplane systems through new chemical compositions in various battery cell sizes and construction. Interconnection of these cells in battery packs introduces failure modes that require unique design considerations, such as provisions for thermal management.

Recent events involving rechargeable and non-rechargeable lithium batteries prompted the FAA to initiate a broad evaluation of these energy storage technologies. In January 2013, two independent events involving rechargeable lithium-ion batteries revealed unanticipated failure modes. A National Transportation Safety Board (NTSB) letter to the FAA, dated May 22, 2014, which is available at *http://www.ntsb.gov,* filename A–14–032–036.pdf, describes these events.

On July 12, 2013, an event involving a non-rechargeable lithium battery in an emergency locator transmitter installation demonstrated unanticipated failure modes. The United Kingdom's Air Accidents Investigation Branch Bulletin S5/2013 describes this event.

Some known uses of rechargeable and non-rechargeable lithium batteries on airplanes include:

- Flight deck and avionics systems such as displays, global positioning systems, cockpit voice recorders, flight data recorders, underwater locator beacons, navigation computers, integrated avionics computers, satellite network and communication systems, communication management units, and remote-monitor electronic line-replaceable units;
- Cabin safety, entertainment, and communications equipment, including emergency locator transmitters, life rafts, escape slides, seatbelt air bags, cabin management systems, Ethernet switches, routers and media servers, wireless systems, internet and in-flight entertainment systems, satellite televisions, remotes, and handsets;
- Systems in cargo areas including door controls, sensors, video surveillance equipment, and security systems.

Some known potential hazards and failure modes associated with non-rechargeable lithium batteries are:

- *Internal failures:* In general, these batteries are significantly more susceptible to internal failures that can result in self-sustaining increases in temperature and pressure (*i.e.,* thermal runaway) than their nickel-cadmium or lead-acid counterparts. The metallic lithium can ignite, resulting in a self-sustaining fire or explosion.
- *Fast or imbalanced discharging:* Fast discharging or an imbalanced discharge of one cell of a multi-cell battery may create an overheating condition that results in an uncontrollable venting condition, which in turn leads to a thermal event or an explosion.
- *Flammability:* Unlike nickel-cadmium and lead-acid batteries, lithium batteries use higher energy and current in an electrochemical system that can be configured to maximize energy storage of lithium. They also use liquid electrolytes that can be extremely flammable. The electrolyte, as well as the electrodes, can serve as a source of fuel for an external fire if the battery casing is breached.

Special condition no. 1 of these special conditions requires that each individual cell within a non-rechargeable lithium battery be designed to maintain safe temperatures and pressures. Special condition no. 2 addresses these same issues but for the entire battery. Special condition no. 2 requires the battery be designed to prevent propagation of a thermal event, such as self-sustained, uncontrollable increases in temperature or pressure from one cell to adjacent cells.

Special conditions nos. 1 and 2 are intended to ensure that the non-rechargeable lithium battery and its cells are designed to eliminate the potential for uncontrollable failures. However, a certain number of failures will occur due to various factors beyond the control of the battery designer. Therefore, other special conditions are intended to protect the airplane and its occupants if failure occurs.

Special conditions 3, 7, and 8 are self-explanatory.

Special condition no. 4 makes it clear that the flammable fluid fire protection requirements of § 25.863 apply to non-rechargeable lithium battery installations. Section 25.863 is applicable to areas of the airplane that could be exposed to flammable fluid leakage from airplane systems. Non-rechargeable lithium batteries contain an electrolyte that is a flammable fluid.

Special condition no. 5 requires that each non-rechargeable lithium battery installation not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

While special condition no. 5 addresses corrosive fluids and gases, special condition no. 6 addresses heat. Special condition no. 6 requires that each non-rechargeable lithium battery installation have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat the battery installation can generate due to any failure of it or its individual cells. The means of meeting special conditions nos. 5 and 6 may be the same, but the requirements are independent and address different hazards.

These special conditions apply to all non-rechargeable lithium battery installations in lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments. Those regulations remain in effect for other battery installations.

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

Applicability

These special conditions are applicable to the 777–300ER series airplanes. Should Boeing apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

These special conditions are only applicable to design changes applied for after the effective date.

These special conditions are not applicable to changes to previously certified non-rechargeable lithium battery installations where the only change is either cosmetic or to relocate the installation to improve the safety of the airplane and occupants. Previously certified non-rechargeable lithium battery installations, as used in this paragraph, are those installations approved for certification projects applied for on or before the effective date of these special conditions. A cosmetic change is a change in appearance only, and does not change any function or safety characteristic of the battery installation. These special conditions are also not applicable to unchanged, previously certified non-rechargeable lithium battery

installations that are affected by a change in a manner that improves the safety of its installation. The FAA determined that these exclusions are in the public interest because the need to meet all of the special conditions might otherwise deter these design changes that improve safety.

Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane. It is not a rule of general applicability.

The substance of these special conditions has been subjected to the notice and comment period in prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon publication in the **Federal Register**. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

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

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Boeing Model 777–300ER series airplanes.

Non-Rechargeable Lithium Battery Installations

In lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments, each non-rechargeable lithium battery installation must:

1. Be designed to maintain safe cell temperatures and pressures under all foreseeable operating conditions to prevent fire and explosion.

2. Be designed to prevent the occurrence of self-sustaining, uncontrollable increases in temperature or pressure.

3. Not emit explosive or toxic gases, either in normal operation or as a result of its failure, that may accumulate in hazardous quantities within the airplane.

4. Meet the requirements of § 25.863.

5. Not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

6. Have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat it can generate due to any failure of it or its individual cells.

7. Have a failure sensing and warning system to alert the flightcrew if its failure affects safe operation of the airplane.

8. Have a means for the flightcrew or maintenance personnel to determine the battery charge state if the battery's function is required for safe operation of the airplane.

Note: A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging. For the purpose of these special conditions, a ''battery'' and ''battery system'' are referred to as a battery.

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

Michael Kaszycki,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–11163 Filed 5–30–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2017–0370; Special Conditions No. 25–683–SC]

Special Conditions: Airbus, Model A350 Series Airplanes; Non-Rechargeable Lithium Battery Installations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comment.

SUMMARY: These special conditions are issued for non-rechargeable lithium battery installations on the Airbus Model A350 series airplanes. Non-rechargeable lithium batteries are a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Airbus on May 31, 2017. We must receive your comments by July 17, 2017.

ADDRESSES: Send comments identified by docket number FAA–2017–0370 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC, 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), 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 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: Nazih Khaouly, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–2432; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION:

Future Requests for Installation of Non-Rechargeable Lithium Batteries

The FAA anticipates that non-rechargeable lithium batteries will be installed in most makes and models of transport category airplanes. We intend to require special conditions for certification projects involving non-rechargeable lithium battery installations to address certain safety issues until we can revise the airworthiness requirements. Applying special conditions to these installations across the range of transport category airplanes will ensure regulatory consistency.

Typically, the FAA issues special conditions after receiving an application for type certificate approval of a novel or unusual design feature. However, the FAA has found that the presence of non-rechargeable lithium batteries in certification projects is not always immediately identifiable, since the battery itself may not be the focus of the project. Meanwhile, the inclusion of these batteries has become virtually ubiquitous on in-production transport category airplanes, which shows that there will be a need for these special conditions. Also, delaying the issuance of special conditions until after each design application is received could lead to costly certification delays. Therefore the FAA finds it necessary to issue special conditions applicable to these battery installations on particular makes and models of aircraft.

On April 22, 2016, the FAA published special conditions no. 25–612–SC in the **Federal Register** (81 FR 23573) applicable to Gulfstream Aerospace Corporation for the GVI airplane. Those were the first special conditions the FAA issued for non-rechargeable lithium battery installations. We explained in that document our decision to make those special conditions effective one year after publication in the **Federal Register**, which is April 22, 2017. In those special conditions, the FAA stated its intention to apply non-rechargeable lithium battery special conditions to design changes on other makes and models applied for after this same date.

Section 1205 of the FAA Reauthorization Act of 1996 requires the FAA to consider the extent to which Alaska is not served by transportation modes other than aviation and to establish appropriate regulatory distinctions when modifying airworthiness regulations that affect intrastate aviation in Alaska. In consideration of this requirement and the overall impact on safety, the FAA does not intend to require non-rechargeable lithium battery special conditions for design changes that only replace a 121.5 megahertz (MHz) emergency locator transmitter (ELT) with a 406 MHz ELT that meets Technical Standard Order C126b, or later revision, on transport airplanes operating only in Alaska. This will support our efforts of encouraging operators in Alaska to upgrade to a 406 MHz ELT. These ELTs provide significantly improved accuracy for lifesaving services to locate an accident site in Alaskan terrain. The FAA considers that the safety benefits from upgrading to a 406 MHz ELT for Alaskan operations will outweigh the battery fire risk.

Comments Invited

The substance of these special conditions has been subjected to the notice and comment period in prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon publication in the **Federal Register**. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

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

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

Background

Airbus holds type certificate no. T00063IB, which provides the certification basis for the A350 series airplanes. The A350 series airplanes are twin engine, transport category airplanes with a passenger seating capacity of 330 to 440 and a maximum takeoff weight of 590,838 to 606,270 pounds, depending on the specific design.

The FAA is issuing these special conditions for non-rechargeable lithium battery installations on the A350 series airplanes. The current battery requirements in title 14, Code of Federal Regulations (14 CFR) part 25 are inadequate for addressing an airplane with non-rechargeable lithium batteries.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Airbus must show that the A350 series airplanes meet the applicable provisions of the regulations listed in type certificate no. T00063IB or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA. In addition, the certification basis includes certain special conditions, exemptions, or later amended sections that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the A350 series airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the airplane model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the A350 series airplanes must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Feature

The novel or unusual design feature is the installation of non-rechargeable lithium batteries.

For the purpose of these special conditions, we refer to a battery and battery system as a battery. A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging.

Discussion

The FAA derived the current regulations governing installation of batteries in transport category airplanes

from Civil Air Regulations (CAR) 4b.625(d) as part of the recodification of CAR 4b that established 14 CFR part 25 in February 1965. This recodification basically reworded the CAR 4b battery requirements, which are currently in § 25.1353(b)(1) through (4). Non-rechargeable lithium batteries are novel and unusual with respect to the state of technology considered when these requirements were codified. These batteries introduce higher energy levels into airplane systems through new chemical compositions in various battery cell sizes and construction. Interconnection of these cells in battery packs introduces failure modes that require unique design considerations, such as provisions for thermal management.

Recent events involving rechargeable and non-rechargeable lithium batteries prompted the FAA to initiate a broad evaluation of these energy storage technologies. In January 2013, two independent events involving rechargeable lithium-ion batteries revealed unanticipated failure modes. A National Transportation Safety Board (NTSB) letter to the FAA, dated May 22, 2014, which is available at *http://www.ntsb.gov,* filename A–14–032–036.pdf, describes these events.

On July 12, 2013, an event involving a non-rechargeable lithium battery in an emergency locator transmitter installation demonstrated unanticipated failure modes. The United Kingdom's Air Accidents Investigation Branch Bulletin S5/2013 describes this event.

Some known uses of rechargeable and non-rechargeable lithium batteries on airplanes include:

- Flight deck and avionics systems such as displays, global positioning systems, cockpit voice recorders, flight data recorders, underwater locator beacons, navigation computers, integrated avionics computers, satellite network and communication systems, communication management units, and remote-monitor electronic line-replaceable units;
- Cabin safety, entertainment, and communications equipment, including emergency locator transmitters, life rafts, escape slides, seatbelt air bags, cabin management systems, Ethernet switches, routers and media servers, wireless systems, internet and in-flight entertainment systems, satellite televisions, remotes, and handsets;
- Systems in cargo areas including door controls, sensors, video surveillance equipment, and security systems.

Some known potential hazards and failure modes associated with non-rechargeable lithium batteries are:

- *Internal failures:* In general, these batteries are significantly more susceptible to internal failures that can result in self-sustaining increases in temperature and pressure (*i.e.,* thermal runaway) than their nickel-cadmium or lead-acid counterparts. The metallic lithium can ignite, resulting in a self-sustaining fire or explosion.
- *Fast or imbalanced discharging:* Fast discharging or an imbalanced discharge of one cell of a multi-cell battery may create an overheating condition that results in an uncontrollable venting condition, which in turn leads to a thermal event or an explosion.
- *Flammability:* Unlike nickel-cadmium and lead-acid batteries, lithium batteries use higher energy and current in an electrochemical system that can be configured to maximize energy storage of lithium. They also use liquid electrolytes that can be extremely flammable. The electrolyte, as well as the electrodes, can serve as a source of fuel for an external fire if the battery casing is breached.

Special condition no. 1 of these special conditions requires that each individual cell within a non-rechargeable lithium battery be designed to maintain safe temperatures and pressures. Special condition no. 2 addresses these same issues but for the entire battery. Special condition no. 2 requires the battery be designed to prevent propagation of a thermal event, such as self-sustained, uncontrollable increases in temperature or pressure from one cell to adjacent cells.

Special conditions nos. 1 and 2 are intended to ensure that the non-rechargeable lithium battery and its cells are designed to eliminate the potential for uncontrollable failures. However, a certain number of failures will occur due to various factors beyond the control of the battery designer. Therefore, other special conditions are intended to protect the airplane and its occupants if failure occurs.

Special conditions 3, 7, and 8 are self-explanatory.

Special condition no. 4 makes it clear that the flammable fluid fire protection requirements of § 25.863 apply to non-rechargeable lithium battery installations. Section 25.863 is applicable to areas of the airplane that could be exposed to flammable fluid leakage from airplane systems. Non-rechargeable lithium batteries contain an electrolyte that is a flammable fluid.

Special condition no. 5 requires that each non-rechargeable lithium battery installation not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

While special condition no. 5 addresses corrosive fluids and gases, special condition no. 6 addresses heat. Special condition no. 6 requires that each non-rechargeable lithium battery installation have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat the battery installation can generate due to any failure of it or its individual cells. The means of meeting special conditions nos. 5 and 6 may be the same, but the requirements are independent and address different hazards.

These special conditions apply to all non-rechargeable lithium battery installations in lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments. Those regulations remain in effect for other battery installations.

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

Applicability

These special conditions are applicable to the A350 series airplanes. Should Airbus apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

These special conditions are only applicable to design changes applied for after the effective date.

These special conditions are not applicable to changes to previously certified non-rechargeable lithium battery installations where the only change is either cosmetic or to relocate the installation to improve the safety of the airplane and occupants. Previously certified non-rechargeable lithium battery installations, as used in this paragraph, are those installations approved for certification projects applied for on or before the effective date of these special conditions. A cosmetic change is a change in appearance only, and does not change any function or safety characteristic of the battery installation. These special conditions are also not applicable to unchanged, previously certified non-rechargeable lithium battery installations that are affected by a change in a manner that improves the safety of its installation. The FAA determined that these exclusions are in the public interest because the need to

meet all of the special conditions might otherwise deter these design changes that improve safety.

Conclusion

This action affects only certain a novel or unusual design feature on one model of airplane. It is not a rule of general applicability.

The substance of these special conditions has been subjected to the notice and comment period in prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon publication in the **Federal Register**. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Airbus Model A350 series airplanes.

Non-Rechargeable Lithium Battery Installations

In lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments, each non-rechargeable lithium battery installation must:

1. Be designed to maintain safe cell temperatures and pressures under all foreseeable operating conditions to prevent fire and explosion.

2. Be designed to prevent the occurrence of self-sustaining, uncontrollable increases in temperature or pressure.

3. Not emit explosive or toxic gases, either in normal operation or as a result of its failure, that may accumulate in hazardous quantities within the airplane.

4. Meet the requirements of § 25.863.

5. Not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

6. Have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat it can generate due to any failure of it or its individual cells.

7. Have a failure sensing and warning system to alert the flightcrew if its failure affects safe operation of the airplane.

8. Have a means for the flightcrew or maintenance personnel to determine the battery charge state if the battery's function is required for safe operation of the airplane.

Note: A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging. For the purpose of these special conditions, a ''battery'' and ''battery system'' are referred to as a battery.

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

Michael Kaszycki,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–11160 Filed 5–30–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2017–0374; Special Conditions No. 25–684–SC]

Special Conditions: Embraer S.A., Model ERJ 170–200 LR Airplane; Non-Rechargeable Lithium Battery Installations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comment.

SUMMARY: These special conditions are issued for non-rechargeable lithium battery installations on the Embraer S.A. (Embraer) Model ERJ 170–200 LR airplane. Non-rechargeable lithium batteries are a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Embraer on May 31, 2017. We must receive your comments by July 17, 2017.

ADDRESSES: Send comments identified by docket number FAA–2017–0374 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
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Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), 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 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: Nazih Khaouly, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–2432; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION:

Future Requests for Installation of Non-Rechargeable Lithium Batteries

The FAA anticipates that non-rechargeable lithium batteries will be

installed in most makes and models of transport category airplanes. We intend to require special conditions for certification projects involving non-rechargeable lithium battery installations to address certain safety issues until we can revise the airworthiness requirements. Applying special conditions to these installations across the range of transport category airplanes will ensure regulatory consistency.

Typically, the FAA issues special conditions after receiving an application for type certificate approval of a novel or unusual design feature. However, the FAA has found that the presence of non-rechargeable lithium batteries in certification projects is not always immediately identifiable, since the battery itself may not be the focus of the project. Meanwhile, the inclusion of these batteries has become virtually ubiquitous on in-production transport category airplanes, which shows that there will be a need for these special conditions. Also, delaying the issuance of special conditions until after each design application is received could lead to costly certification delays. Therefore the FAA finds it necessary to issue special conditions applicable to these battery installations on particular makes and models of aircraft.

On April 22, 2016, the FAA published special conditions no. 25–612–SC in the **Federal Register** (81 FR 23573) applicable to Gulfstream Aerospace Corporation for the GVI airplane. Those were the first special conditions the FAA issued for non-rechargeable lithium battery installations. We explained in that document our decision to make those special conditions effective one year after publication in the **Federal Register**, which is April 22, 2017. In those special conditions, the FAA stated its intention to apply non-rechargeable lithium battery special conditions to design changes on other makes and models applied for after this same date.

Section 1205 of the FAA Reauthorization Act of 1996 requires the FAA to consider the extent to which Alaska is not served by transportation modes other than aviation and to establish appropriate regulatory distinctions when modifying airworthiness regulations that affect intrastate aviation in Alaska. In consideration of this requirement and the overall impact on safety, the FAA does not intend to require non-rechargeable lithium battery special conditions for design changes that only replace a 121.5 megahertz (MHz) emergency locator transmitter (ELT) with a 406 MHz ELT that meets Technical Standard Order C126b, or later revision, on transport airplanes operating only in Alaska. This will support our efforts of encouraging operators in Alaska to upgrade to a 406 MHz ELT. These ELTs provide significantly improved accuracy for lifesaving services to locate an accident site in Alaskan terrain. The FAA considers that the safety benefits from upgrading to a 406 MHz ELT for Alaskan operations will outweigh the battery fire risk.

Comments Invited

The substance of these special conditions has been subjected to the notice and comment period in prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon publication in the **Federal Register**. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

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

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

Background

Embraer holds type certificate no. A56NM, which provides the certification basis for the ERJ 170–200 LR airplane. The ERJ 170–200 LR is a twin engine, transport category airplane with a passenger seating capacity of 88 and a maximum takeoff weight of 85,517 pounds.

The FAA is issuing these special conditions for non-rechargeable lithium battery installations on the ERJ 170–200 LR airplane. The current battery requirements in title 14, Code of Federal Regulations (14 CFR) part 25 are inadequate for addressing an airplane with non-rechargeable lithium batteries.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Embraer must show that the ERJ 170–200 LR airplane meets the applicable provisions of the regulations listed in type certificate no. A56NM or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA. In addition, the certification basis includes certain special conditions, exemptions, or later amended sections that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the ERJ 170–200 LR airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the airplane model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the ERJ 170–200 LR must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Feature

The novel or unusual design feature is the installation of non-rechargeable lithium batteries.

For the purpose of these special conditions, we refer to a battery and battery system as a battery. A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging.

Discussion

The FAA derived the current regulations governing installation of batteries in transport category airplanes from Civil Air Regulations (CAR) 4b.625(d) as part of the recodification of CAR 4b that established 14 CFR part 25 in February 1965. This recodification basically reworded the CAR 4b battery requirements, which are currently in § 25.1353(b)(1) through (4). Non-

rechargeable lithium batteries are novel and unusual with respect to the state of technology considered when these requirements were codified. These batteries introduce higher energy levels into airplane systems through new chemical compositions in various battery cell sizes and construction. Interconnection of these cells in battery packs introduces failure modes that require unique design considerations, such as provisions for thermal management.

Recent events involving rechargeable and non-rechargeable lithium batteries prompted the FAA to initiate a broad evaluation of these energy storage technologies. In January 2013, two independent events involving rechargeable lithium-ion batteries revealed unanticipated failure modes. A National Transportation Safety Board (NTSB) letter to the FAA, dated May 22, 2014, which is available at *http://www.ntsb.gov,* filename A–14–032–036.pdf, describes these events.

On July 12, 2013, an event involving a non-rechargeable lithium battery in an emergency locator transmitter installation demonstrated unanticipated failure modes. The United Kingdom's Air Accidents Investigation Branch Bulletin S5/2013 describes this event.

Some known uses of rechargeable and non-rechargeable lithium batteries on airplanes include:

- Flight deck and avionics systems such as displays, global positioning systems, cockpit voice recorders, flight data recorders, underwater locator beacons, navigation computers, integrated avionics computers, satellite network and communication systems, communication management units, and remote-monitor electronic line-replaceable units;
- Cabin safety, entertainment, and communications equipment, including emergency locator transmitters, life rafts, escape slides, seatbelt air bags, cabin management systems, Ethernet switches, routers and media servers, wireless systems, internet and in-flight entertainment systems, satellite televisions, remotes, and handsets;
- Systems in cargo areas including door controls, sensors, video surveillance equipment, and security systems.

Some known potential hazards and failure modes associated with non-rechargeable lithium batteries are:

- *Internal failures:* In general, these batteries are significantly more susceptible to internal failures that can result in self-sustaining increases in temperature and pressure (*i.e.,* thermal runaway) than their nickel-cadmium or lead-acid counterparts. The metallic lithium can ignite, resulting in a self-sustaining fire or explosion.
- *Fast or imbalanced discharging:* Fast discharging or an imbalanced discharge of one cell of a multi-cell battery may create an overheating condition that results in an uncontrollable venting condition, which in turn leads to a thermal event or an explosion.
- *Flammability:* Unlike nickel-cadmium and lead-acid batteries, lithium batteries use higher energy and current in an electrochemical system that can be configured to maximize energy storage of lithium. They also use liquid electrolytes that can be extremely flammable. The electrolyte, as well as the electrodes, can serve as a source of fuel for an external fire if the battery casing is breached.

Special condition no. 1 of these special conditions requires that each individual cell within a non-rechargeable lithium battery be designed to maintain safe temperatures and pressures. Special condition no. 2 addresses these same issues but for the entire battery. Special condition no. 2 requires the battery be designed to prevent propagation of a thermal event, such as self-sustained, uncontrollable increases in temperature or pressure from one cell to adjacent cells.

Special conditions nos. 1 and 2 are intended to ensure that the non-rechargeable lithium battery and its cells are designed to eliminate the potential for uncontrollable failures. However, a certain number of failures will occur due to various factors beyond the control of the battery designer. Therefore, other special conditions are intended to protect the airplane and its occupants if failure occurs.

Special conditions 3, 7, and 8 are self-explanatory.

Special condition no. 4 makes it clear that the flammable fluid fire protection requirements of § 25.863 apply to non-rechargeable lithium battery installations. Section 25.863 is applicable to areas of the airplane that could be exposed to flammable fluid leakage from airplane systems. Non-rechargeable lithium batteries contain an electrolyte that is a flammable fluid.

Special condition no. 5 requires that each non-rechargeable lithium battery installation not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

While special condition no. 5 addresses corrosive fluids and gases, special condition no. 6 addresses heat. Special condition no. 6 requires that each non-rechargeable lithium battery installation have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat the battery installation can generate due to any failure of it or its individual cells. The means of meeting special conditions nos. 5 and 6 may be the same, but the requirements are independent and address different hazards.

These special conditions apply to all non-rechargeable lithium battery installations in lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments. Those regulations remain in effect for other battery installations.

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

Applicability

These special conditions are applicable to the ERJ 170–200 LR airplane. Should Embraer apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

These special conditions are only applicable to design changes applied for after the effective date.

These special conditions are not applicable to changes to previously certified non-rechargeable lithium battery installations where the only change is either cosmetic or to relocate the installation to improve the safety of the airplane and occupants. Previously certified non-rechargeable lithium battery installations, as used in this paragraph, are those installations approved for certification projects applied for on or before the effective date of these special conditions. A cosmetic change is a change in appearance only, and does not change any function or safety characteristic of the battery installation. These special conditions are also not applicable to unchanged, previously certified non-rechargeable lithium battery installations that are affected by a change in a manner that improves the safety of its installation. The FAA determined that these exclusions are in the public interest because the need to meet all of the special conditions might otherwise deter these design changes that improve safety.

Conclusion

This action affects only a certain novel or unusual design feature on one

model of airplane. It is not a rule of general applicability.

The substance of these special conditions has been subjected to the notice and comment period in prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon publication in the **Federal Register**. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Embraer S.A. Model ERJ 170–200 LR airplane.

Non-Rechargeable Lithium Battery Installations

In lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments, each non-rechargeable lithium battery installation must:

1. Be required to maintain safe cell temperatures and pressures under all foreseeable operating conditions to prevent fire and explosion.

2. Be required to prevent the occurrence of self-sustaining, uncontrollable increases in temperature or pressure.

3. Not emit explosive or toxic gases, either in normal operation or as a result of its failure, that may accumulate in hazardous quantities within the airplane.

4. Meet the requirements of § 25.863.

5. Not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

6. Have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat it can generate due to any failure of it or its individual cells.

7. Have a failure sensing and warning system to alert the flightcrew if its failure affects safe operation of the airplane.

8. Have a means for the flightcrew or maintenance personnel to determine the battery charge state if the battery's function is required for safe operation of the airplane.

Note: A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging. For the purpose of these special conditions, a ''battery'' and ''battery system'' are referred to as a battery.

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

Michael Kaszycki,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–11161 Filed 5–30–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2017–0357; Special Conditions No. 25–685–SC]

Special Conditions: Embraer S.A., Model ERJ 190–300 Airplane; Non-Rechargeable Lithium Battery Installations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comment.

SUMMARY: These special conditions are issued for non-rechargeable lithium battery installations on the Embraer S.A. (Embraer) Model ERJ 190–300 airplane. Non-rechargeable lithium batteries are a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Embraer on May 31, 2017. We must receive your comments by July 17, 2017.

ADDRESSES: Send comments identified by docket number [FAA–2017–0357] using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), 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 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: Nazih Khaouly, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–2432; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION:

Future Requests for Installation of Non-Rechargeable Lithium Batteries

The FAA anticipates that non-rechargeable lithium batteries will be installed in most makes and models of transport category airplanes. We intend to require special conditions for certification projects involving non-rechargeable lithium battery

installations to address certain safety issues until we can revise the airworthiness requirements. Applying special conditions to these installations across the range of transport category airplanes will ensure regulatory consistency.

Typically, the FAA issues special conditions after receiving an application for type certificate approval of a novel or unusual design feature. However, the FAA has found that the presence of non-rechargeable lithium batteries in certification projects is not always immediately identifiable, since the battery itself may not be the focus of the project. Meanwhile, the inclusion of these batteries has become virtually ubiquitous on in-production transport category airplanes, which shows that there will be a need for these special conditions. Also, delaying the issuance of special conditions until after each design application is received could lead to costly certification delays. Therefore the FAA finds it necessary to issue special conditions applicable to these battery installations on particular makes and models of aircraft.

On April 22, 2016, the FAA published special conditions no. 25–612–SC in the **Federal Register** (81 FR 23573) applicable to Gulfstream Aerospace Corporation for the GVI airplane. Those were the first special conditions the FAA issued for non-rechargeable lithium battery installations. We explained in that document our decision to make those special conditions effective one year after publication in the **Federal Register**, which is April 22, 2017. In those special conditions, the FAA stated its intention to apply non-rechargeable lithium battery special conditions to design changes on other makes and models applied for after this same date.

Section 1205 of the FAA Reauthorization Act of 1996 requires the FAA to consider the extent to which Alaska is not served by transportation modes other than aviation and to establish appropriate regulatory distinctions when modifying airworthiness regulations that affect intrastate aviation in Alaska. In consideration of this requirement and the overall impact on safety, the FAA does not intend to require non-rechargeable lithium battery special conditions for design changes that only replace a 121.5 megahertz (MHz) emergency locator transmitter (ELT) with a 406 MHz ELT that meets Technical Standard Order C126b, or later revision, on transport airplanes operating only in Alaska. This will support our efforts of encouraging operators in Alaska to upgrade to a 406 MHz ELT. These ELTs provide significantly improved accuracy for lifesaving services to locate an accident site in Alaskan terrain. The FAA considers that the safety benefits from upgrading to a 406 MHz ELT for Alaskan operations will outweigh the battery fire risk.

Comments Invited

The substance of these special conditions has been subjected to the notice and comment period in prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon publication in the **Federal Register**. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

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

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

Background

Embraer holds type certificate no. A57NM, which will be amended to provide the certification basis for the ERJ 190–300 airplane. The ERJ 190–300 is a twin engine, transport category airplane with a passenger seating capacity of 112 and a wing design with a high aspect ratio and raked wingtip.

The FAA is issuing these special conditions for non-rechargeable lithium battery installations on the ERJ 190–300 airplane. The current battery requirements in title 14, Code of Federal Regulations (14 CFR) part 25 are inadequate for addressing an airplane with non-rechargeable lithium batteries.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Embraer must show that the ERJ 190–300 airplane meets the applicable provisions of the regulations listed in type certificate no. A57NM or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA. In addition, the certification basis includes certain special conditions, exemptions, or later amended sections that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the ERJ 190–300 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the airplane model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the ERJ 190–300 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Feature

The novel or unusual design feature is the installation of non-rechargeable lithium batteries.

For the purpose of these special conditions, we refer to a battery and battery system as a battery. A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging.

Discussion

The FAA derived the current regulations governing installation of batteries in transport category airplanes from Civil Air Regulations (CAR) 4b.625(d) as part of the recodification of CAR 4b that established 14 CFR part 25 in February 1965. This recodification basically reworded the CAR 4b battery requirements, which are currently in § 25.1353(b)(1) through (4). Non-rechargeable lithium batteries are novel and unusual with respect to the state of technology considered when these requirements were codified. These batteries introduce higher energy levels

into airplane systems through new chemical compositions in various battery cell sizes and construction. Interconnection of these cells in battery packs introduces failure modes that require unique design considerations, such as provisions for thermal management.

Recent events involving rechargeable and non-rechargeable lithium batteries prompted the FAA to initiate a broad evaluation of these energy storage technologies. In January 2013, two independent events involving rechargeable lithium-ion batteries revealed unanticipated failure modes. A National Transportation Safety Board (NTSB) letter to the FAA, dated May 22, 2014, which is available at *http://www.ntsb.gov,* filename A–14–032–036.pdf, describes these events.

On July 12, 2013, an event involving a non-rechargeable lithium battery in an emergency locator transmitter installation demonstrated unanticipated failure modes. The United Kingdom's Air Accidents Investigation Branch Bulletin S5/2013 describes this event.

Some known uses of rechargeable and non-rechargeable lithium batteries on airplanes include:

- Flight deck and avionics systems such as displays, global positioning systems, cockpit voice recorders, flight data recorders, underwater locator beacons, navigation computers, integrated avionics computers, satellite network and communication systems, communication management units, and remote-monitor electronic line-replaceable units;
- Cabin safety, entertainment, and communications equipment, including emergency locator transmitters, life rafts, escape slides, seatbelt air bags, cabin management systems, Ethernet switches, routers and media servers, wireless systems, internet and in-flight entertainment systems, satellite televisions, remotes, and handsets;
- Systems in cargo areas including door controls, sensors, video surveillance equipment, and security systems.

Some known potential hazards and failure modes associated with non-rechargeable lithium batteries are:

- *Internal failures:* In general, these batteries are significantly more susceptible to internal failures that can result in self-sustaining increases in temperature and pressure (*i.e.,* thermal runaway) than their nickel-cadmium or lead-acid counterparts. The metallic lithium can ignite, resulting in a self-sustaining fire or explosion.
- *Fast or imbalanced discharging:* Fast discharging or an imbalanced discharge of one cell of a multi-cell battery may create an overheating condition that results in an uncontrollable venting condition, which in turn leads to a thermal event or an explosion.
- *Flammability:* Unlike nickel-cadmium and lead-acid batteries, lithium batteries use higher energy and current in an electrochemical system that can be configured to maximize energy storage of lithium. They also use liquid electrolytes that can be extremely flammable. The electrolyte, as well as the electrodes, can serve as a source of fuel for an external fire if the battery casing is breached.

Special condition no. 1 of these special conditions requires that each individual cell within a non-rechargeable lithium battery be designed to maintain safe temperatures and pressures. Special condition no. 2 addresses these same issues but for the entire battery. Special condition no. 2 requires the battery be designed to prevent propagation of a thermal event, such as self-sustained, uncontrollable increases in temperature or pressure from one cell to adjacent cells.

Special conditions nos. 1 and 2 are intended to ensure that the non-rechargeable lithium battery and its cells are designed to eliminate the potential for uncontrollable failures. However, a certain number of failures will occur due to various factors beyond the control of the battery designer. Therefore, other special conditions are intended to protect the airplane and its occupants if failure occurs.

Special conditions 3, 7, and 8 are self-explanatory.

Special condition no. 4 makes it clear that the flammable fluid fire protection requirements of § 25.863 apply to non-rechargeable lithium battery installations. Section 25.863 is applicable to areas of the airplane that could be exposed to flammable fluid leakage from airplane systems. Non-rechargeable lithium batteries contain an electrolyte that is a flammable fluid.

Special condition no. 5 requires that each non-rechargeable lithium battery installation not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

While special condition no. 5 addresses corrosive fluids and gases, special condition no. 6 addresses heat. Special condition no. 6 requires that each non-rechargeable lithium battery installation have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat the battery installation can generate due to any failure of it or its individual cells. The means of meeting special conditions nos. 5 and 6 may be the same, but the requirements are independent and address different hazards.

These special conditions apply to all non-rechargeable lithium battery installations in lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments. Those regulations remain in effect for other battery installations.

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

Applicability

These special conditions are applicable to the ERJ 190–300 airplane. Should Embraer apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

These special conditions are only applicable to design changes applied for after the effective date.

These special conditions are not applicable to changes to previously certified non-rechargeable lithium battery installations where the only change is either cosmetic or to relocate the installation to improve the safety of the airplane and occupants. Previously certified non-rechargeable lithium battery installations, as used in this paragraph, are those installations approved for certification projects applied for on or before the effective date of these special conditions. A cosmetic change is a change in appearance only, and does not change any function or safety characteristic of the battery installation. These special conditions are also not applicable to unchanged, previously certified non-rechargeable lithium battery installations that are affected by a change in a manner that improves the safety of its installation. The FAA determined that these exclusions are in the public interest because the need to meet all of the special conditions might otherwise deter these design changes that improve safety.

Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane. It is not a rule of general applicability.

The substance of these special conditions has been subjected to the notice and comment period in prior

instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon publication in the **Federal Register**. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Embraer S.A. Model ERJ 190–300 airplane.

Non-Rechargeable Lithium Battery Installations

In lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments, each non-rechargeable lithium battery installation must:

1. Be designed to maintain safe cell temperatures and pressures under all foreseeable operating conditions to prevent fire and explosion.

2. Be designed to prevent the occurrence of self-sustaining, uncontrollable increases in temperature or pressure.

3. Not emit explosive or toxic gases, either in normal operation or as a result of its failure, that may accumulate in hazardous quantities within the airplane.

4. Meet the requirements of § 25.863.

5. Not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

6. Have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat it can generate due to any failure of it or its individual cells.

7. Have a failure sensing and warning system to alert the flightcrew if its failure affects safe operation of the airplane.

8. Have a means for the flightcrew or maintenance personnel to determine the battery charge state if the battery's function is required for safe operation of the airplane.

Note: A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging. For the purpose of these special conditions, a ''battery'' and ''battery system'' are referred to as a battery.

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

Michael Kaszycki,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–11159 Filed 5–30–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 29

[Docket No. FAA–2016–6940; Notice No. 29–039–SC]

Special Conditions: Bell Helicopter Textron, Inc. (BHTI), Model 525 Helicopters; Crew Alerting System (CAS)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final special conditions; correction.

SUMMARY: The FAA is correcting the special condition published on November 9, 2016 which became effective on December 9, 2016 for the BHTI Model 525 helicopter. This helicopter has a novel or unusual design feature associated with the electronic CAS. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. The 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: *Effective Date:* May 31, 2017.

FOR FURTHER INFORMATION CONTACT: George Harrum, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222–5110; email *George.Harrum@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On November 9, 2016, the FAA published a final special condition entitled ''Special Condition: Bell Helicopter Textron, Inc. (BHTI), Model 525 Helicopters; Crew Alerting System (CAS).'' 81 FR 78707. In that final special condition, the FAA inadvertently used the incorrect format for the notice number in the header information of the special condition as 29–039–SW–SC. The correct notice number is 29–039–SC.

Correction

In the final special condition, FR Doc. 2019–27088, published on November 9, 2016 at 81 FR 78707 make the following correction:

1. On page 78707, in column one, in the heading of the final special condition, revise ''Notice No. 29–039–SW–SC'' to read as ''Notice No. 29–039–SC''.

Issued in Fort Worth, Texas, on May 19, 2017.

Lance Gant,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2017–11070 Filed 5–30–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0506; Directorate Identifier 2017–CE–019–AD; Amendment 39–18907; AD 2017–11–08]

RIN 2120–AA64

Airworthiness Directives; Diamond Aircraft Industries GmbH Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments

SUMMARY: We are adopting a new airworthiness directive (AD) for Diamond Aircraft Industries GmbH Model DA 42 airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as failure of the propeller regulating valve caused by hot exhaust gases coming from fractured engine exhaust pipes. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective May 31, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of May 31, 2017.

We must receive comments on this AD by July 17, 2017.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *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 Diamond Aircraft Industries GmbH, N.A. Otto-Straße 5, A–2700 Wiener Neustadt, Austria, telephone: +43 2622 26700; fax: +43 2622 26780; email: *office@diamond-air.at*; Internet: *http://www.diamondaircraft.com*. You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the Internet at *http://www.regulations.gov* by searching for locating Docket No. FAA–2017–0506.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0506; 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 in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No. 2017–0090, dated May 17, 2017 (referred to after this as ''the MCAI''), to correct an unsafe condition for Diamond Aircraft Industries GmbH Model DA 42 and DA 42 M airplanes. The MCAI states:

> Two cases were reported of uncommanded engine in-flight shutdown (IFSD) on DA 42 aeroplanes. Subsequent investigations identified that these occurrences were due to failure of the propeller regulating valve, caused by hot exhaust gases coming from fractured engine exhaust pipes. The initiating cracks on the exhaust pipes were not detected during previous inspections, since those exhaust pipes are equipped with non-removable heat shields that do not allow inspection for certain sections of the exhaust pipe.
>
> This condition, if not corrected, could lead to further cases of IFSD or overheat damage, possibly resulting in a forced landing, with consequent damage to the aeroplane and injury to occupants.
>
> To address this potential unsafe condition, Diamond Aircraft Industries (DAI) developed an exhaust pipe without a directly attached integral heat shield that allows visual inspection over the entire exhaust pipe length. DAI issued Mandatory Service Bulletin (MSB) 42–120 and relevant Working Instruction (WI) WI–MSB 42–120, providing instructions to install the modified exhaust pipes. As an interim measure, an additional bracket was designed to hold the exhaust pipe in place in case of a pipe fracture. EASA issued AD 2016–0156 (later revised), requiring replacement of the exhaust pipes with pipes having the new design, or installation of the additional brackets.
>
> Since EASA AD 2016–0156R1 was issued, cracks were found during inspection on modified exhaust pipes. Further investigation determined that, with the modified exhaust pipe design, vibration leads to cracking.
>
> To address this potential unsafe condition, DAI published MSB 42–129 providing instructions for inspection of modified exhaust pipes.
>
> For the reasons described above, this AD retains the requirements of EASA AD 2016–0156R1, which is superseded, and requires repetitive inspections of modified exhaust pipes and, depending on findings, repair or replacement. This AD is considered interim action and further AD action may follow upon availability of an improved exhaust pipe design.

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0506.

Related Service Information Under 1 CFR Part 51

Diamond Aircraft Industries GmbH has issued Mandatory Service Bulletin MSB–42–129, dated May 17, 2017, and Work Instruction WI–OSB–42–122, Revision 2, dated June 24, 2016. Mandatory Service Bulletin MSB–42–129, dated May 17, 2017, describes procedures for inspecting the DAI part number (P/N) D60–9078–06–01_01 and Technify P/N 52–7810–H0014 01 engine exhaust pipes. Work Instruction WI–OSB–42–122, Revision 2, dated June 24, 2016, describes procedures for (among other things) replacing the engine exhaust pipes. 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 of the final rule.

FAA's Determination and Requirements of the AD

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

Differences Between the AD and MCAI

The MCAI allows for either replacement or repair if a cracked exhaust pipe is found during an inspection. This AD will only allow for replacement. If there were to become a parts availability issue at some time, we would consider the welding repair as an alternative method of compliance.

In addition, the MCAI supersedes the previous EASA AD 2016–0156R1, which introduced the DAI part number (P/N) D60–9078–06–01_01 and Technify P/N 52–7810–H0014 01 engine exhaust pipes that are the subject of this AD. The FAA is not superseding the corresponding AD 2017–01–12, Amendment 39–18779 (82 FR 5359; January 18, 2017) because there were other options in that AD that would not be affected by this action. Thus AD 2017–01–12 establishes the baseline for the applicability of this AD, and if any of the affected exhaust pipes were installed per AD 2017–01–12 they would be subject to the actions of this AD action.

The airplane models affected by the MCAI are the Models DA 42 and DA 42 M. Only the DA 42 is type certificated in the United States so this AD action will only affect the Model DA 42 airplanes.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because the affected engine exhaust pipes could crack and cause hot gases to leak from fractured exhaust pipes and lead to an uncommanded engine in-flight shutdown. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0506; Directorate Identifier 2017–CE–019–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.

Costs of Compliance

We estimate that this AD will affect 130 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the AD on U.S. operators to be $22,100, or $170 per product.

In addition, we estimate that any necessary follow-on actions would take about 2 work-hours and require parts costing $2,100, for a cost of $2,270 per product. We have no way of determining the number of products that may need these actions.

According to the design approval holder, some of the costs of this AD (cost of parts) may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

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 AD:

2017–11–08 Diamond Aircraft Industries GmbH: Amendment 39–18907; Docket No. FAA–2017–0506; Directorate Identifier 2017–CE–019–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective May 31, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Diamond Aircraft Industries GmbH Model DA 42 airplanes, serial numbers 42.004 through 42.427 and 42.AC001 through 42.AC151, certificated in any category, that have:

(1) either a TAE 125–02–99 or TAE 125–02–114 engine installed; and

(2) either DAI part number (P/N) D60–9078–06–01_01 or Technify P/N 52–7810–H0014 01 engine exhaust pipes installed.

(d) Subject

Air Transport Association of America (ATA) Code 78: Engine Exhaust.

(e) Reason

This AD was prompted by cracks in the affected engine exhaust pipes, which could cause failure of the propeller regulating valve because of hot exhaust gases coming from the fractured pipes. We are issuing this AD to prevent an uncommanded engine in-flight shutdown or overheat damage, which could result in a forced landing, consequent damage, and occupant injury.

(f) Actions and Compliance

Unless already done, do the following actions.

(1) Before or upon accumulating 40 hours time-in-service (TIS) on the affected engine exhaust pipes or within the next 10 hours TIS after the effective date of this AD, whichever occurs later, and repetitively thereafter at intervals not to exceed 50 hours TIS, inspect each engine exhaust pipe following Diamond Aircraft Industries GmbH Mandatory Service Bulletin MSB–42–129, dated May 17, 2017.

(2) If any crack(s) is/are found on any engine exhaust pipe during any inspection required by this AD, before further flight, replace the affected engine exhaust pipe(s) following Step 14 (page 8) of Diamond Aircraft Industries GmbH Work Instruction WI–OSB–42–122, Revision 2, dated June 24, 2016.

(3) The replacement required by paragraph (f)(2) of this AD does not terminate the repetitive inspections required by paragraph (f)(1) of this AD when a DAI part number (P/N) D60–9078–06–01_01 or Technify P/N

52–7810–H0014 01 engine exhaust pipe is installed.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, a federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a 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 OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are 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.

(h) Related Information

Refer to MCAI EASA AD No.: 2017–0090, dated May 17, 2017, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0506.

(i) 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.

(i) Diamond Aircraft Industries Mandatory Service Bulletin MSB–42–129, dated May 17, 2017.

(ii) Diamond Aircraft Industries Work Instruction WI–OSB 42–122, Revision 2, dated June 24, 2016.

(3) For Diamond Aircraft Industries GmbH service information identified in this AD, contact Diamond Aircraft Industries GmbH, N.A. Otto-Straße 5, A–2700 Wiener Neustadt, Austria, telephone: +43 2622 26700; fax: +43 2622 26780; email: *office@diamond-air.at*; Internet: *http://www.diamondaircraft.com.*

(4) You may view this service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the Internet at *http://www.regulations.gov* by searching for locating Docket No. FAA–2017–0506.

(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 Kansas City, Missouri, on May 19, 2017.

Melvin Johnson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–11127 Filed 5–30–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0047; Airspace Docket No. 17–ANM–1]

Establishment of Class E Airspace, Grass Range, MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface at N Bar Ranch, Grass Range, MT, to support the development of instrument flight rules (IFR) operations under standard instrument approach and departure procedures at the airport, for the safety and management of aircraft within the National Airspace System. A correction also is made changing the town name from Grassrange.

DATES: Effective 0901 UTC, August 17, 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 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 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 establishes Class E airspace at N Bar Ranch Airport, Grass Range, MT, to support the development of IFR operations in standard instrument approach procedures at the airport.

History

On February 27, 2017, the FAA published in the **Federal Register** (82 FR 11866) Docket FAA–2017–0047 a notice of proposed rulemaking to establish Class E airspace extending upward from 700 feet above the surface at N Bar Ranch, Grass Range, MT. 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 designation 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 at N Bar Ranch, Grass Range, MT, within an area 3.6 miles wide extending 6.1 miles northeast and 5.9 miles southwest of the airport. This airspace is necessary to support IFR operations in new standard instrument approach and departure procedures at the airport.

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

* * * * *

ANM MT E5 Grass Range, MT [New]

N Bar Ranch, MT
(Lat. 46°50′17″ N., long. 108°56′13″ W.)

That airspace extending upward from 700 feet above the surface within 1.8 miles each side of a 070° bearing from the N Bar Ranch Airport extending to 6.1 miles northeast of the airport, and within 1.8 miles each side of a 250° bearing from the airport extending to 5.9 miles southwest of the airport.

Issued in Seattle, Washington, on May 22, 2017.

Sam S.L. Shrimpton,

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

[FR Doc. 2017–11069 Filed 5–30–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0434]

RIN 1625–AA11

Regulated Navigation Area; East River, Brooklyn, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary regulated navigation area (RNA) for the navigable waters of the Manhattan side of the East River, south of Dupont Street in Greenpoint, Brooklyn, and East 25th Street in Manhattan, and north of a line drawn from the northwest corner of Pier 5 Brooklyn to the northeast corner of the Governors Island Ferry Manhattan Terminal. The RNA is needed to protect personnel, vessels, and the marine environment from potential hazards associated with a dielectric oil spill response. This RNA establishes vessel speed restrictions on vessels transiting near the pollution response area unless specifically authorized by the First District Commander or the Captain of the Port New York to exceed those restrictions.

DATES: This rule is effective without actual notice from May 31, 2017 through 5 p.m. on July 14, 2017. For the purposes of enforcement, actual notice will be used from 4 p.m. May 16, 2017, through May 31, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0434 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. Craig Lapiejko, Waterways Management at Coast Guard First District, telephone 617–223–8351, email *craig.d.lapiejko@uscg.mil* or Mr. Jeff Yunker, Sector New York Waterways Management Division; telephone 718–354–4195, email *jeff.m.yunker@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port New York
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
RNA Regulated Navigation Area
TFR Temporary final rule
U.S.C. United States Code

II. Background Information and Regulatory History

On May 8, 2017, we established a temporary safety zone entitled ''Safety Zone; East River and Buttermilk Channel, Brooklyn, NY'' for emergency pollution response. The effective period for the safety zone is from 4 p.m. on May 8, 2017, until 5 p.m. on July 14, 2017. This safety zone prohibits all vessels from transiting through the

Brooklyn side of the East River and Buttermilk Channel, south of Dupont Street in Greenpoint, Brooklyn and East 25th Street in Manhattan, and Buttermilk Channel, north of the Buttermilk Channel Entrance Lighted Gong Buoy 1 (LLNR 36985).

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 impracticable and contrary to the public interest to delay this rule to let a comment period run. It would be impracticable and contrary to the public interest because waiting for a comment period to run would inhibit the Coast Guard's response to protecting the environment and public from the dangers associated with a maritime pollution response effort.

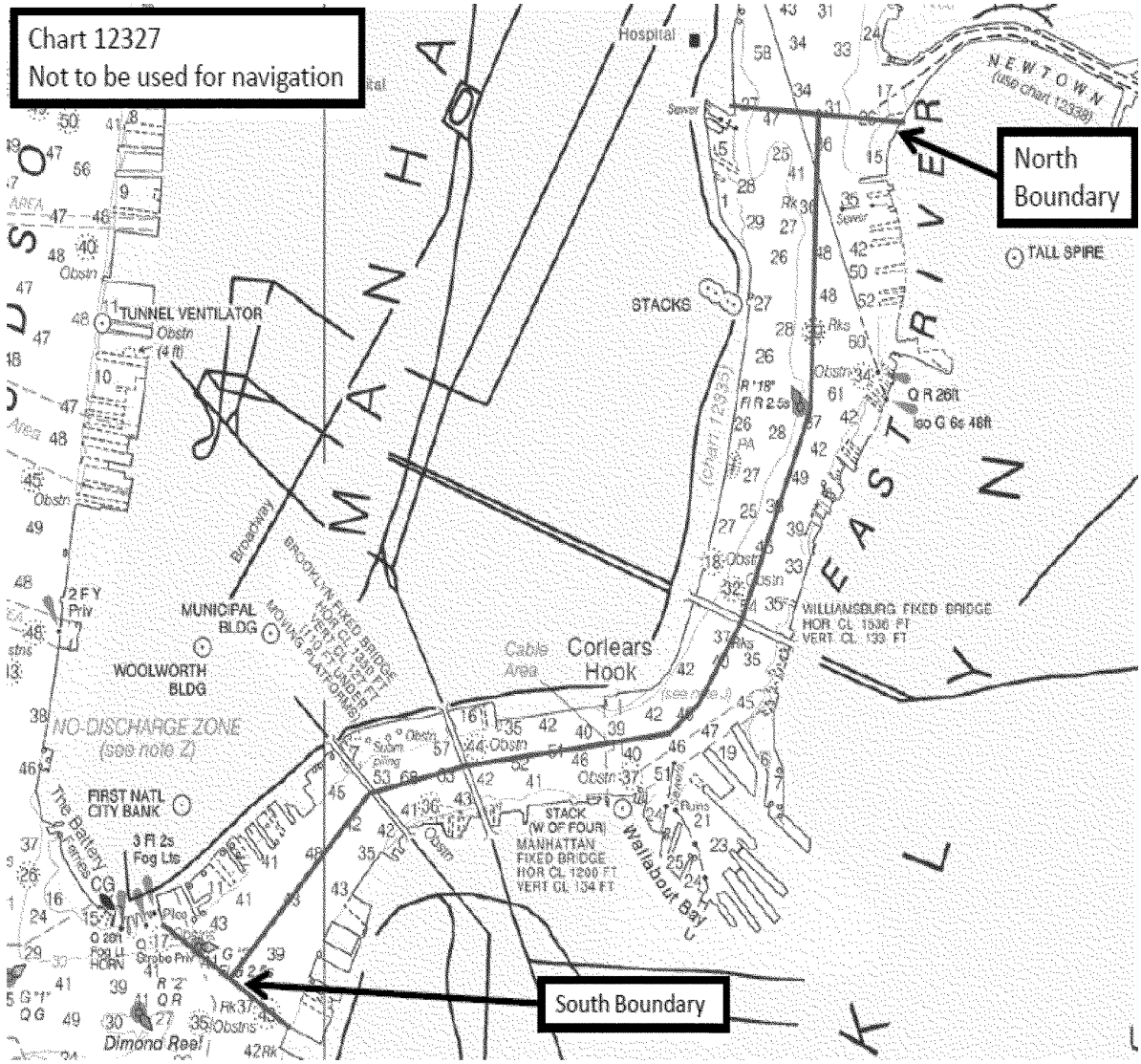
We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to public interest for the same reasons discussed in the preceding paragraph.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The First District Commander and COTP have determined that vessels producing a wake near the emergency pollution response activities and in-water shoreside repair operations will be a safety concern for pollution response vessels, machinery, and personnel. Further, the emergency pollution response activities pose hazards to the boating public and the maritime environment. This rule is necessary to limit damage to deployed containment boom, and to protect personnel, vessels, and the marine environment in the navigable waters adjacent to the RNA while these activities are in progress.

IV. Discussion of the Rule

This rule establishes a RNA from 4 p.m. May 16, 2017 through 5 p.m. July 14, 2017. The RNA will cover all navigable waters of the Manhattan side of the East River, south of Dupont Street in Greenpoint, Brooklyn, and East 25th Street in Manhattan, and north of a line drawn from the northwest corner of Pier 5 Brooklyn to the northeast corner of the Governors Island Ferry Manhattan Terminal.



Additional illustration showing the location of this regulated navigation area is available in the docket.

The duration of the RNA is intended to limit damage to the pollution containment boom, and protect personnel, vessels, and the marine environment adjacent to these navigable waters during the emergency pollution response. No vessel or person will be permitted to produce a wake and may not attain speeds greater than five (5) knots unless a higher minimum speed is necessary to maintain bare steerageway without obtaining permission from the First District Commander, COTP, or a designated representative.

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.

This regulatory action determination is based on the size, location, and duration of the RNA. Vessel traffic will be able to safely transit through this RNA, which will impact a small designated area of the East River, NY during emergency pollution response operations. Vessels will be able to transit at a ''Slow-No Wake'' speed limit and vessels may attain speeds greater than five (5) knots if a higher minimum speed is necessary to maintain bare steerageway. The Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the RNA.

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 RNA 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 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 a RNA lasting two months that will prohibit vessels from producing a wake or attaining speeds greater than five (5) knots unless a higher minimum speed is necessary to maintain bare steerageway. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration for Categorically Excluded Actions will be 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 recordkeeping 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, 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T01–0434 to read as follows:

§ 165.T01 0434 Regulated Navigation Area; East River, Brooklyn, NY.

(a) *Location.* The following area is a regulated navigation area (RNA): All waters of the Manhattan half of the East River, south of a line drawn from (pa) 40°44′07.5″ N., 073°57′40.3″ W. (Dupont Street, Greenpoint, Brooklyn, NY) to 40°44′10.1″ N., 073°58′21.6″ W. (NAD 83) (East 25th Street, Manhattan, NY) and north of a line drawn from the northwest corner of Pier 5 Brooklyn to the northeast corner of the Governors Island Ferry Manhattan Terminal.

(b) *Definitions.* The following definitions apply to this section:

(1) *Designated Representative.* A ''designated representative'' is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the First District Commander or COTP to act on his or her behalf. A 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. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) *Official Patrol Vessels.* Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP.

(c) *Enforcement Period.* This RNA is effective and will be enforced from 4

p.m. on May 16, 2017, through 5 p.m. July 14, 2017.

(d) *Regulations.* (1) The general regulations contained in 33 CFR 165.10, 165.11, and 165.13 as well as the following regulations, apply.

(2) During periods of enforcement, all vessel movement within the RNA is subject to a ''Slow-No Wake'' speed limit. Vessels may not produce a wake nor not attain speeds greater than five (5) knots unless a higher minimum speed is necessary to maintain bare steerageway.

(3) During periods of enforcement, upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of the vessel must proceed as directed.

Dated: May 16, 2017.

S.D. Poulin,

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

[FR Doc. 2017–11212 Filed 5–30–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2016–0217; FRL–9962–30–Region 4]

Air Plan Approval; South Carolina: Air Emissions Reporting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve changes to the South Carolina State Implementation Plan (SIP) to address requirements for the reporting of emissions of criteria air pollutants (CAPs) and their precursors. EPA is approving a SIP revision submitted on June 14, 2010, by the State of South Carolina, through the South Carolina Department of Health and Environmental Control (SC DHEC), and portions of subsequent SIP revisions submitted on August 8, 2014 and November 4, 2016, which further revise the regulations concerning the reporting of emissions. This action is being taken pursuant to the Clean Air Act (CAA or Act).

DATES: This direct final rule is effective July 31, 2017 without further notice, unless EPA receives adverse comment by June 30, 2017. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2016–0217 at *https://www.regulations.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: D. Brad Akers, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Akers can be reached via telephone at (404) 562–9089 or via electronic mail at *akers.brad@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The Air Emissions Reporting Requirements (AERR), set forth at 40 CFR part 51, subpart A, are requirements for the reporting of CAPs and precursors for all point sources, mobile sources, and nonpoint sources. The requirements for reporting of point source emissions from states to the emissions inventory system (EIS) is outlined in Appendix A to subpart A, which sets an annual or triennial reporting period based on thresholds of potential to emit. This set of reporting requirements and schedules, promulgated October 17, 2008 (73 FR 76539), replaced the Consolidated Emissions Reporting Requirements (CERR) established on June 10, 2002 (67 FR 39602). The CERR replaced prior reporting requirements under 40 CFR part 51, subpart Q. It expanded the pollutants covered and geographic areas reporting, and served as the basis for data collection in the EIS, which is used to develop the national emissions inventory (NEI). The AERR rulemaking was promulgated in an effort to harmonize various reporting requirements for the states, including those previously established with the CERR, additional reporting required for ozone and carbon monoxide nonattainment areas, and reporting requirements under the oxides of nitrogen (NO_X) SIP Call. The AERR was later revised on February 19, 2015, to make those reporting requirements for nonattainment areas and the NO_X SIP Call optional under 40 CFR part 51, subpart A, among other changes. *See* 80 FR 8787.

II. Analysis of State's Submittal

This SIP revision, submitted first in the June 14, 2010, submittal, and later updated in the August 8, 2014, and November 4, 2016, submittals, clarifies federal requirements for reporting of point source emissions as revised in the AERR at South Carolina Regulation 61–62.1, Section III—''Emissions Inventory and Emissions Statements.'' South Carolina previously adopted the CERR provisions for major source reporting, which were approved into the SIP on December 7, 2006 (71 FR 70880). The June 14, 2010, submittal and the portions of the August 8, 2014, and November 4, 2016, submittals addressed in this action update those requirements to be consistent with the AERR. EPA is not acting on the portion of the August 8, 2014, submittal that formally adopted the emissions statement requirement in South Carolina's SIP for sources of NO_X and volatile organic compounds (VOC) pursuant to CAA section 182(a)(3)(B), covering nonattainment areas for the ozone national ambient air quality standards (NAAQS). This portion of the August 8, 2014, submittal was approved on June 12, 2015 (80 FR 33413). EPA is also not acting on other portions of the August 8, 2014, and November 4, 2016, submittals revising other South Carolina regulations.[1]

[1] EPA is not acting on the additional changes made in the August 8, 2014, submittal to the following rules: Regulation 61–62.1, Section I—''Definitions;'' Regulation 61–62.1, Section II—''Permit Requirements;'' Regulation 61–62.1, Section IV—''Source Tests;'' Regulation 61–62.1, Section V—''Credible Evidence;'' Regulation 61–62.5, Standard No. 1—''Emissions from Fuel Burning Operations;'' or Regulation 61–62.5, Standard No. 4—''Emissions from Process Industries.'' EPA is also not acting on the additional changes made in the November 4, 2016, submittal to the following rules: Regulation 61–62.1, Section II—''Permit Requirements;'' Regulation 61–62.5, Standard No. 1—''Emissions from Fuel Burning Operations;'' Regulation 61–62.5, Standard No. 2—''Ambient Air Quality Standards;'' or Regulation 61–62.5, Standard No. 4—''Emissions from Process

Continued

The three submittals from SC DHEC addressed in this action formally adopt the federal AERR provisions and thresholds for point sources into the SIP, thereby providing a mechanism for the state to collect emissions from sources and report those to EPA. The point source reporting in the AERR generally applies to major sources, as defined in 40 CFR part 70, the title V regulations. These types of sources are required to report annual emissions in a triennial period. For certain larger point sources, emissions are required to be reported annually through the EIS.

The AERR also provides for triennial reporting of VOCs for minor sources in ''serious,'' ''severe,'' and ''extreme'' ozone nonattainment areas for sources that emit greater than or equal to 50 tpy, 25 tpy and 10 tpy, respectively. The AERR also requires reporting of emissions of particulate matter with a diameter of 10 micrometers or less (PM_{10}) that are greater than or equal to 70 tpy in any area designated as ''serious'' nonattainment for PM_{10}. South Carolina's June 14, 2010, August 8, 2014, and November 4, 2016, submittals adopt these nonattainment inventory reporting requirements in full.

In addition, the AERR was recently updated on February 19, 2015, to provide for a lower threshold for the reporting of lead emissions, independent of the designation with respect to the lead NAAQS (80 FR 8787). The lead reporting requirement is based on a threshold of 0.5 tpy of monitored emissions, which means reporting is triggered by actual emissions rather than potential emissions. South Carolina's November 4, 2016, submittal, incorporates this update to the AERR.

Finally, emissions other than CAPs are at the state's discretion to report to the EIS, such as hazardous air pollutants (HAPs) (40 CFR 51.15(a)(4)). South Carolina originally included the reporting of HAPs in its June 14, 2010, adoption of AERR provisions, but removed this requirement in its August 8, 2014, update to its rules. The net effect of these revisions is that HAPs are not required to be reported in this format.

EPA is approving South Carolina's adoption of federal AERR provisions as described above pursuant to the CAA.

Industries.'' EPA will address these additional changes to the South Carolina SIP in a separate action. Finally, EPA is not acting on the change made to Regulation 61–62.60—''South Carolina Designated Facility Plan and New Source Performance Standards'' because this is not part of the federally approved SIP.

III. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporate by reference of SC DHEC Regulation 61–62.1, Section III, entitled ''Emissions Inventory,'' effective September 23, 2016. Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[2] EPA has made, and will continue to make, these documents generally available electronically through *https://www.regulations.gov* and/or in hard copy at the EPA Region 4 office (see the **ADDRESSES** section of this preamble for more information).

IV. Final Action

EPA is approving changes to South Carolina Regulation 61–62.1, Section III, made on June 14, 2010, and later revised on August 8, 2014, and November 4, 2016. These changes revise South Carolina's emissions reporting requirements for point sources in its SIP to be consistent with federal regulations.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective July 31, 2017 without further notice unless the Agency receives adverse comments by June 30, 2017.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on July 31, 2017 and no further action will be taken on the proposed rule.

[2] 62 FR 27968 (May 22, 1997).

V. Statutory and Executive Order Reviews

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

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

In addition, this direct final rule for South Carolina does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it does not have substantial direct effects on an Indian Tribe. The Catawba Indian Nation Reservation is located within York

County in South Carolina. Pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27–16–120, ''all state and local environmental laws and regulations apply to the [Catawba Indian Nation] and Reservation and are fully enforceable by all relevant state and local agencies and authorities.'' EPA notes that today's action will not impose substantial direct costs on Tribal governments or preempt Tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 31, 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 27, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

■ 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart PP—South Carolina

■ 2. Section 52.2120(c) is amended by revising an entry under ''Regulation No. 62.1'' entitled ''Section III'' to read as follows:

§ 52.2120 Identification of plan.

* * * * *

(c) * * *

AIR POLLUTION CONTROL REGULATIONS FOR SOUTH CAROLINA

State citation	Title/subject	State effective date	EPA approval date	**Federal Register** notice
* *	* *	*	*	* *
Section III	Emission Inventory and Emissions Statement.	9/23/2016	5/31/2017	[Insert **Federal Register** page citation]
* *	* *	*	*	* *

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[FR Doc. 2017–10920 Filed 5–30–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2017–0020; FRL–9963–15–Region 8]

Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve State Implementation Plan (SIP) revisions submitted by the state of Montana on September 8, 2016. The revisions are to the Administrative Rules of Montana (ARM) and include updates to the citations and references to federal and state laws and regulations, updated links to sources of information, and provides clarity on how copies of federal regulations may be obtained. This action is being taken in accordance with section 110 of the Clean Air Act (CAA).

DATES: This rule is effective on August 29, 2017 without further notice, unless the EPA receives adverse comment by June 30, 2017. If the EPA receives adverse comment, we 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–R08–OAR–2017–0020 at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system).

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Publicly available docket materials are available either

electronically in *www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. The EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays. For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Jaslyn Dobrahner, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6252, *dobrahner.jaslyn@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Why is the EPA using a direct final rule?

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the ''Proposed Rules'' section of the **Federal Register**, we are publishing a separate document that will serve as the proposed rule to approve the SIP revisions if adverse comments are received on this direct final rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document.

If the EPA receives adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. If the EPA receives adverse comment on an amendment, paragraph, or section of this rule, the EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. We would address all public comments in a subsequent final rule based on the proposed rule.

II. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI to the EPA through *https://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD ROM that you mail to the EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register**, date, and page number);
- Follow directions and organize your comments;
- Explain why you agree or disagree;
- Suggest alternatives and substitute language for your requested changes;
- Describe any assumptions and provide any technical information and/or data that you used;
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced;
- Provide specific examples to illustrate your concerns, and suggest alternatives;
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats; and
- Make sure to submit your comments by the comment period deadline identified.

III. Background

On September 8, 2016, the state of Montana submitted formal revisions to its SIP (hereafter, the ''2016 SIP revisions''). The 2016 SIP revisions contain amendments updating citations and references to federal and state laws and regulations in ARM sections 17.8.102 and 17.8.103. The Montana Board of Environmental Review adopted the amendments on May 29, 2015 (effective June 26, 2015).

IV. Review of the State of Montana's September 8, 2016 Submittal

We evaluated Montana's September 8, 2016 submittal regarding revisions to the State's ARM. The 2016 SIP revisions to ARM 17.8.102 and 17.8.103 update the citations and references to federal and state laws and regulations, update links to sources of information, and provide clarity on how copies of federal regulations may be obtained. All of the 2016 SIP revisions are approvable. Therefore, in this action we are approving revisions to ARM sections 17.8.102 and 17.8.103 as detailed in Section V below.

V. What action is the EPA taking?

The amendments to Montana ARM 17.8.102 and 17.8.103 update the date of the version of the federal regulations incorporated by reference regarding air quality rules as they existed on July 1, 2014, federal statutes as they existed on December 31, 2013, and the September 30, 2014 edition of the ARM. Therefore, the EPA is taking direct final action to approve the following revisions, shown in Table 1, to Montana's air rules.

TABLE 1—LIST OF MONTANA REVISIONS THE EPA IS APPROVING

Revised Sections in September 8, 2016 Submittal for Approval
September 8, 2016 submittal: 17.8.102(1)(a)–(c); 17.8.103(4) and (5).

VI. 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 Administrative Rules of Montana described in the amendments set forth to 40 CFR part 52 below. Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[1] The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VII. Statutory and Executive Orders Review

Under the CAA, 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, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this direct final action merely approves some state law

[1] 62 FR 27968 (May 22, 1997).

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 Order 12866 (58 FR 51735, Oct. 4, 1993);
- 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, Aug. 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and,
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, Feb. 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications 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. The 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 July 31, 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. This action may not be challenged later in proceedings to enforce its requirements. (See CAA section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

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

Dated: May 12, 2017.

Suzanne J. Bohan,

Acting Regional Administrator, Region 8.

40 CFR part 52 is amended to read as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart BB—Montana

■ 2. Section 52.1370(c) is amended under ''(i) Administrative Rules of Montana, Subchapter 01, General Provisions'' by revising entries ''17.8.102'' and ''17.8.103''.

The revisions read as follows:

§ 52.1370 Identification of plan.

* * * * *

(c) * * *

State citation	Rule title	State effective date	EPA final rule date	Final rule citation	Comments
(1) Statewide (i) Administrative Rules of Montana, Subchapter 01, General Provisions					
*	*	*	*	*	*
17.8.102	Incorporation by Reference.	6/26/15	5/31/17	[Insert **Federal Register** citation].	
17.8.103	Incorporation by Reference.	6/26/15	5/31/17	[Insert **Federal Register** citation].	
*	*	*	*	*	*

* * * * *

[FR Doc. 2017–10924 Filed 5–30–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA 200–4205; FRL–9959–23–Region 3]

Air Plan Approval; Pennsylvania; Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; administrative change.

SUMMARY: The Environmental Protection Agency (EPA) is updating the materials that are incorporated by reference (IBR) into the Pennsylvania state implementation plan (SIP). The regulations affected by this update have been previously submitted by the Pennsylvania Department of Environmental Protection (PADEP) and approved by EPA. This update affects the SIP materials that are available for public inspection at the National Archives and Records Administration (NARA) and the EPA Regional Office.

DATES: This action is effective May 31, 2017.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; or 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.*

FOR FURTHER INFORMATION CONTACT: Sharon McCauley, (215) 814–3376, or by email at *mccauley.sharon@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The SIP is a living document which a state revises as necessary to address its unique air pollution problems. Therefore, EPA, from time to time, must take action on SIP revisions containing new and/or revised regulations as being part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference federally-approved SIPs, as a result of consultations between EPA and the Office of the Federal Register (OFR). The description of the revised SIP document, IBR procedures and ''Identification of plan'' format are discussed in further detail in the May 22, 1997 **Federal Register** document. On February 25, 2005 (70 FR 9450), EPA published a document in the **Federal Register** beginning the new IBR procedure for Pennsylvania, including Philadelphia and Allegheny Counties. On January 3, 2007 (72 FR 200), March 25, 2009 (74 FR 13014), July 5, 2011 (76 FR 38992), and August 1, 2013 (78 FR 46516), EPA published updates to the IBR material for Pennsylvania.

Since the publication of the last IBR update, EPA has approved the following regulatory changes to the following regulations and sections for Pennsylvania and Allegheny County:

A. Added Regulations

1. Additions of the following regulations or sections in 25 PA Code, article III:

a. Chapter 123 (Standards for Contaminants, Sulfur Compound Emissions), sections 123.22(f) and 123.22(g).

b. Chapter 129 (Standard for Sources), (Sources for VOCs), sections 67(a) and 67(b).

2. Addition of title 65 (Pennsylvania Statute—Public Officers), part II (Accountability), chapter 11 (Ethics, Standards, and Financial Disclosure), sections 1101 (Short title of chapter), 1102 (Definitions), 1104 (Statement of financial interests required to be filed), 1105 (Statement of financial interests) and 1109 (Penalties).

3. Additions of the following regulations or sections in Allegheny County article XXI:

a. Additional definitions were added to part A (General), section 2102.20.

b. Part D (Pollutant Emission Standards), section 2104.09.

c. Part E (Source Emission and Operating Standards), subpart 7 (Miscellaneous VOC Sources), section 2105.80 through 2105.86 inclusive.

B. Revised Regulations

1. Revisions to the following regulations or sections in 25 PA Code, article III:

a. Chapter 121 (General Provisions), section 121.1.

b. Chapter 123 (Sulfur Compound Emissions), sections 123.22(a) through (e) inclusive.

c. Chapter 127 (Construction, Modification, Reactivation, and Operation of Sources), subchapter I (Plan Approval and Operating Permit Fees), section 127.701.

d. Chapter 129 (Standards for Sources), (Sources of VOCs), sections 129.51, 129.67, and 129.77.

e. Chapter 130 (Standards for Products), subchapter D (Adhesives, Sealants, Primers and Solvents), section 130.703.

f. Chapter 139 (Sampling and Testing), subchapter A (Sampling and Testing Methods and Procedures—General), section 139.4.

g. Chapter 139 (Sampling and Testing), subchapter A (Sampling and Testing Methods and Procedures—Stationary Sources), section 139.16.

2. Revisions to Allegheny County article XXI:

a. Part A (General), sections 2101.10 and 2101.20.

b. Part B (Permits Generally), sections 2102.04, 2102.06, 2102.08 and 2102.10.

c. Part E (Source Emission and Operating Standards), subpart 1—VOC Sources, sections 2105.10 and 2105.11.

d. Part E (Source Emission and Operating Standards), subpart 5—Open Burning and Abrasive Blasting Sources, section 2105.50.

C. Removed Regulations

In 25 PA Code article III, chapter 130 (Standards for Products), subchapter A (Portable Fuel Containers), sections 130.101 through 130.108 inclusive have been removed.

II. EPA Action

In this action, EPA is announcing the update to the IBR material as of July 1, 2016 and revising the text within 40 CFR 52.2020(b).

EPA is revising our 40 CFR part 52 ''Identification of Plan'' for the Commonwealth of Pennsylvania regarding incorporation by reference, § 52.2020(b). EPA is revising § 52.2020(b)(1) to clarify that all SIP revisions listed in paragraphs (c) and (d), regardless of inclusion in the most recent ''update to the SIP compilation,'' are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking in which EPA approved the SIP revision, consistent with following our ''Approval and Promulgations of Air Quality Implementation Plans; Revised Format of 40 CFR part 52 for Materials Being Incorporated by Reference,'' effective May 22, 1997 (62 FR 27968). EPA is revising § 52.2020(b)(2) to clarify references to other portions of paragraph (b) with paragraph (b)(2). EPA is revising paragraph (b)(3) to update address and contact information.

In the table for paragraph 40 CFR 52.2020(c)(1), EPA is taking the following action:

Rearrange entries in chapter 123 (Standards for Contaminants), (Sulfur Compound Emissions), section 123.22 (a) through 123.22(e).

EPA has further determined that the entries found in the tables of paragraphs (c)(2), (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), and (e)(2) are correct in the CFR and need no additional editing at this time.

III. Good Cause Exemption

EPA has determined that this rule falls under the ''good cause'' exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding ''good cause,'' authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). This rule simply codifies provisions which are already in effect as a matter of law in federal and approved state programs. Under section 553 of the APA, an agency may find good cause where procedures are ''impractical, unnecessary, or contrary to the public interest.'' Public comment is ''unnecessary'' and ''contrary to the public interest'' since the codification only reflects existing law. Immediate notice in the CFR benefits the public by removing outdated citations and incorrect table entries.

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of previously EPA approved regulations promulgated by the Commonwealth of Pennsylvania and federally effective prior to July 1, 2016. Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[1] EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region III office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

[1] 62 FR 27968 (May 22, 1997).

V. Statutory and Executive Order Reviews

A. General Requirements

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

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

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

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 rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

EPA has also determined that the provisions of section 307(b)(1) of the CAA pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Pennsylvania SIP compilations had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review for this ''Identification of plan'' update action for Pennsylvania.

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: January 18, 2017.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart NN—Pennsylvania

■ 2. Section 52.2020 is amended by:

■ a. Revising paragraph (b); and

■ b. In paragraph (c)(1), revising the entries under ''Chapter 123—Standards for Contaminants,'' ''Sulfur Compound Emission''.

The revisions read as follows:

§ 52.2020 Identification of plan.

* * * * *

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to July 1, 2016, were approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Entries in paragraphs (c) and (d) of this section with the EPA approval dates after July 1, 2016 for the Commonwealth of Pennsylvania, have been approved by EPA for inclusion in the state implementation plan and for incorporation by reference into the plan as it is contained in this section, and will be considered by the Director of the Federal Register for approval in the next update to the SIP compilation.

(2)(i) EPA Region III certifies that the following materials provided by EPA at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated Commonwealth rules/regulations which have been approved as part of the state implementation plan as of the dates referenced in paragraph (b)(1) of this section:

(A) Materials in Notebook ''40 CFR 52.2020(c)(1)–1. PA Department of Environmental Protection (PA DEP); 2. PA Department of Transportation (PA DOT).''

(B) Materials in Notebook ''1. 40 CFR 52.2020(c)(2)—Allegheny County Health Department (ACHD); 2. 40 CFR 52.2020(c)(3)—Philadelphia Air Management Services (AMS).''

(ii) EPA Region III certifies that the following materials provided by EPA at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated Commonwealth source-specific requirements which have been approved as part of the state implementation plan as of the dates referenced in paragraph(b)(1) of this section. No additional revisions were made between April 1, 2013 and July 1, 2016:

(A) [Reserved]

(B) Materials in Notebook ''40 CFR 52.2020(d)(1)—Source-specific Requirements—Volume 1, Part 1.''

(C) Materials in Notebook ''40 CFR 52.2020(d)(1)—Source-specific Requirements—Volume 1, Part 2.''

(D) Materials in Notebook ''40 CFR 52.2020(d)(1)—Source-specific Requirements—Volume 2, Part 1.''

(E) Materials in Notebook ''40 CFR 52.2020(d)(1)—Source-specific Requirements—Volume 2, Part 2.''

(F) Materials in Notebook ''40 CFR 52.2020(d)(1)—Source-specific Requirements—Volume 3.''

(G) Materials in Notebook ''40 CFR 52.2020(d)(1)—Source-specific Requirements—Volume 4.''

(H) Materials in Notebook ''40 CFR 52.2020(d)(1)—Source-specific Requirements—Volume 5.''

(I) Materials in Notebook ''40 CFR 52.2020(d)(1)—Source-specific Requirements—Volume 6.''

(J) Materials in Notebook ''40 CFR 52.2020(d)(2)–(d)(4)—Source-specific Requirements.''

(3) Copies of the materials incorporated by reference into the state implementation plan may be inspected at the Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. To obtain the material, please call the Regional Office at (215) 814–3376. You may also inspect the material with an EPA approval date prior to July 1, 2016 for the Commonwealth of Pennsylvania at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

(c) * * *

(1) * * *

State citation	Title/subject	State effective date	EPA approval date	Additional explanation/ § 52.2063 citation
Title 25—Environmental Protection Article III—Air Resources				
*	*	*	*	*
Chapter 123—Standards for Contaminants				
*	*	*	*	*
Sulfur Compound Emissions				
Section 123.21	General	3/20/72	5/31/72, 37 FR 10842	(c)(1).
Section 123.22(a)	Combustion units. [General provisions—air basins and non-air basins].	02/09/13	07/10/14, 79 FR 39333	Amended sections 123.22(a) 123.22(b), 123.22(c), 123.22(d), and 123.22(e).
123.22(b)	Combustion units—Erie Air Basin.	08/01/79	08/08/79, 44 FR 46465	(c)(20); correction published 1/23/80 (45 FR 5303).
123.22(b)	Combustion units—Erie Air Basin.	02/09/13	07/10/14, 79 FR 39333	Amended sections 123.22(a) 123.22(b), 123.22(c), 123.22(d), and 123.22(e).
123.22(c)	Combustion units—Upper Beaver Valley Air Basin.	08/21/82	07/05/83, 48 FR 30630	(c)(53).
123.22(c)	Combustion units—Upper Beaver Valley Air Basin.	02/09/13	07/10/14, 79 FR 39333	Amended sections 123.22(a) 123.22(b), 123.22(c), 123.22(d), and 123.22(e).
123.22(d)	Combustion units—Lower Beaver Valley Air Basin.	01/01/81	12/16/81, 46 FR 61267	(c)(40).
123.22(d)	Combustion units—Lower Beaver Valley Air Basin.	02/09/13	07/10/14, 79 FR 39333	Amended sections 123.22(a) 123.22(b), 123.22(c), 123.22(d), and 123.22(e).

State citation	Title/subject	State effective date	EPA approval date	Additional explanation/ § 52.2063 citation
123.22(e)	Combustion units—Southeast PA Air Basin.	10/01/78	06/04/79, 44 FR 31980	(c)(18).
123.22(e)	Combustion units—Southeast PA Air Basin.	02/09/13	07/10/14, 79 FR 39333	Amended sections 123.22(a) 123.22(b), 123.22(c), 123.22(d), and 123.22(e).
Section 123.22(f)	Combustion units—Sampling and testing.	02/09/13	07/10/14	New section.
Section 123.22(g)	Combustion units—Record-keeping and reporting.	02/09/13	07/10/14, 79 FR 39333	New section.
Figure 4 [Graph]	Sulfur Oxides—Combustion Units.	3/20/72	5/31/72, 37 FR 10842	(c)(1).
Section 123.24	Primary zinc smelters	8/11/75	4/30/76, 41 FR 18077	(c)(14).
Section 123.25	Monitoring requirements	10/27/90	6/30/93, 58 FR 34911	(c)(81).
*	*	*	*	* * *

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[FR Doc. 2017–10919 Filed 5–30–17; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2017–0158; A–1–FRL–9961–72–Region 1]

Adequacy Status of Motor Vehicle Emissions Budgets for Transportation Conformity Purposes; CT

AGENCY: Environmental Protection Agency.

ACTION: Notice of adequacy.

SUMMARY: The Environmental Protection Agency (EPA) is notifying the public that it has found that the 2017 motor vehicle emission budgets for the Greater Connecticut ozone nonattainment area for the 2008 national ambient air quality standard (NAAQS) for ozone are adequate for transportation conformity purposes. As a result of our finding, Connecticut must use these motor vehicle emissions budgets for future transportation conformity determinations. These budgets were contained in the January 17, 2017 attainment demonstration State Implementation Plan (SIP) for the Greater Connecticut ozone nonattainment area for the 2008 ozone NAAQS.

DATES: This finding is effective June 15, 2017.

FOR FURTHER INFORMATION CONTACT: Ariel Garcia, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA Region 1 Regional Office, 5 Post Office Square, Suite 100 (mail code: OEP05–2), Boston, MA 02109–3912, telephone number (617) 918–1660, fax number (617) 918–0660, email *garcia.ariel@epa.gov*.

SUPPLEMENTARY INFORMATION:

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

Today's action is simply an announcement of a finding that we have already made. EPA Region 1 sent a letter to the Connecticut Department of Energy and Environmental Protection (CT DEEP) on March 20, 2017 stating that the 2017 motor vehicle emissions budgets (MVEBs) for the Greater Connecticut nonattainment area for the 2008 ozone NAAQS are adequate. CT DEEP submitted the budgets on January 17, 2017, as part of its attainment demonstration SIP for the Greater Connecticut nonattainment area for the 2008 ozone NAAQS. This submittal was announced on EPA's conformity Web site, and received no comments. (See *https://www.epa.gov/state-and-local-transportation/adequacy-review-state-implementation-plan-sip-submissions-conformity.* Once there, click on ''What SIP submissions are currently under EPA adequacy review?'')

The 2017 MVEBs, in tons per summer day (tpsd), for volatile organic compounds (VOC) and oxides of nitrogen (NO_X) for Greater Connecticut, are as follows:

2017 Adequate Motor Vehicle Emissions Budgets Greater Connecticut Area

	VOC (tpsd)	NO_X (tpsd)
Year 2017	15.9	22.2

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans and establishes criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's motor vehicle emissions budgets are adequate for transportation conformity purposes are outlined in 40 CFR 93.118(e)(4). We have described our process for determining the adequacy of submitted SIP budgets in our July 1, 2004, conformity final rule preamble starting at 69 FR 40038, and we used the information in these resources while making our adequacy determination. Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudge EPA's ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

Connecticut's January 17, 2017 SIP revision also includes 2017 MVEBs for the Connecticut portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT (Southwest Connecticut) nonattainment area for the 2008 ozone NAAQS. However, we are not able to evaluate the budgets for the Southwest Connecticut nonattainment area at this time since Connecticut DEEP has not yet submitted its reasonable further progress and attainment demonstration SIPs for this area. EPA will not take action, nor make an adequacy determination, on MVEBs for the 2008 ozone standard for the Southwest Connecticut nonattainment area, until a SIP revision meeting the requirements for reasonable further progress or an attainment demonstration is submitted for that nonattainment area.

List of Subjects in 40 CFR Part 52

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

Authority: 42 U.S.C. 7401–7671q.

Dated: April 10, 2017.

Deborah A. Szaro,

Acting Regional Administrator, EPA New England.

[FR Doc. 2017–11222 Filed 5–30–17; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2017–0064; FRL–9962–77–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revisions to Allegheny County Health Department Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the Commonwealth of Pennsylvania state implementation plan (SIP). The revisions pertain to administrative and definition amendments made to Allegheny County Health Department's (ACHD) Rules and Regulations Article XXI, Air Pollution Control. The amendments updated the name of the Bureau of Environmental Quality to the Bureau of Environmental Health and revised the definition of ''County Executive'' to agree with the definition in the Allegheny County Home Rule Charter. EPA is approving these revisions to Article XXI in accordance with the requirements of the Clean Air Act (CAA).

DATES: This rule is effective on July 31, 2017 without further notice, unless EPA receives adverse written comment by June 30, 2017. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2017–0064 at *https://www.regulations.gov,* or via email to *rehn.brian@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, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, 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: Sara Calcinore, (215) 814–2043, or by email at *calcinore.sara@epa.gov.*

SUPPLEMENTARY INFORMATION: On December 15, 2016, the Commonwealth of Pennsylvania submitted, on behalf of Allegheny County, a formal revision to the Pennsylvania SIP.

I. Background

The SIP revision consists of administrative and definition amendments to ACHD's Rules and Regulations Article XXI, Air Pollution Control. These amendments were submitted by the Pennsylvania Department of Environmental Protection (PADEP) as a formal revision to the Pennsylvania SIP, on behalf of Allegheny County. The regulations were adopted by the ACHD.

II. Summary of SIP Revision and EPA Analysis

The December 15, 2016 SIP revision submittal includes amended versions of ACHD's Rules and Regulations Article XXI, Air Pollution Control, section 2101.07 paragraph (a), Administration and Organization—Administration, and section 2101.20, Definitions. Pennsylvania requests that EPA approve this submittal so that these amended regulations become part of the Pennsylvania SIP. The amendment to section 2101.07 paragraph (a) changed the name of the ''Allegheny County Health Department Bureau of Environmental Quality'' to the ''Allegheny County Health Department Bureau of Environmental Health.'' The amendment to section 2101.20 updates the definition of ''County Executive'' from the ''Chief Executive of Allegheny County, Pennsylvania'' to ''the Chief Executive of Allegheny, Pennsylvania, as defined in the Allegheny County Home Rule Charter.''

EPA's review of this material indicates the December 15, 2016 submittal is approvable as it meets requirements of the CAA under section 110(a) and contains only minor administrative changes to regulations that were previously included in the Pennsylvania SIP. None of these changes affects emissions of air pollutants, and none of the changes will interfere with any applicable requirement concerning attainment of reasonable further progress or any other applicable requirements in the CAA. Thus, EPA finds the revision approvable specifically for section 110(1) of the CAA.

III. Final Action

EPA is approving the Pennsylvania SIP revision for Allegheny County, which was submitted on December 15, 2016. EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on July 31, 2017 without further notice unless EPA receives adverse comment by June 30, 2017. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must 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.

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation

by reference of the revisions to ACHD's Rules and Regulations Article XXI, Air Pollution Control, section 2101.07 paragraph (a), Administration and Organization—Administration and section 2101.20, Definitions discussed in Section II of this preamble. Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update of the SIP compilation.[1] EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and/or at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

A. General Requirements

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

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

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

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).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 31, 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 action.

This action to approve Revisions to Allegheny County Health Department Rules as part of the Pennsylvania SIP may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference.

Dated: May 4, 2017.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart NN—Pennsylvania

■ 2. In § 52.2020, the table in paragraph (c)(2) is amended by revising an entry for ''2101.07 (Except paragraphs .07.c.2 and c.8)'' and adding an entry in numerical order''2101.20'' under ''Part A—General''.

The revision and addition read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(2) * * *

[1] 62 FR 27968 (May 22, 1997).

Article XX or XXI citation	Title/subject	State effective date	EPA approval date	Additional explanation/ § 52.2063 citation
Part A—General				
*	* *	*	* *	* *
2101.07 (Except paragraphs .07.c.2 and c.8).	Administration and Organization.	06/19/15	05/31/17 [Insert **Federal Register** citation]. Previous approval 11/14/02, 67 FR 68935 (c)(192).	Revised name of Allegheny County Health Department Bureau of Environmental Quality to Allegheny County Health Department Bureau of Environmental Health.
*	* *	*	* *	* *
2101.20	Definitions	06/19/15	05/31/17 [Insert **Federal Register** citation].	Revised definition of ''County Executive'' to mean ''the Chief Executive of Allegheny County, Pennsylvania, as defined in the Allegheny County Home Rule Charter''.
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[FR Doc. 2017–10921 Filed 5–30–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2016–0206; FRL–9958–84–Region 6]

Approval and Promulgation of Implementation Plans; Louisiana; Revisions to the New Source Review State Implementation Plan; Air Permit Procedure Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving severable portions of three revisions to the Louisiana New Source Review (NSR) State Implementation Plan (SIP) submitted by the Louisiana Department of Environmental Quality (LDEQ). Specifically, we are finalizing approval of provisions contained within the Chapter 5 air construction permit rules as initially submitted on November 15, 1993, November 10, 1994, and November 9, 2007. We are withdrawing our proposed disapproval of LAC 33:III.501.B.1.d, LAC 33:III.513.A.1, and LAC 33:III.531.A.1. because the LDEQ withdrew these sections from our consideration on April 19, 2017.

DATES: This rule is effective on June 30, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2016–0206. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hardcopy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Stephanie Kordzi, (214) 665–7520, *kordzi.stephanie@epa.gov.*

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

I. Background

The background for this action is discussed in detail in our November 22, 2016, proposal (81 FR 83771). In that document, we proposed to partially approve and partially disapprove severable portions of four revisions to the Louisiana New Source Review (NSR) State Implementation Plan (SIP) submitted by the Louisiana Department of Environmental Quality (LDEQ). We are finalizing our proposed action to a full approval of severable portions of three revisions as listed in Section II below to the Louisiana NSR SIP submitted by LDEQ. We are withdrawing our proposed disapproval of LAC 33:III.501.B.1.d, LAC 33:III.513.A.1, and LAC 33:III.531.A.1. because the LDEQ withdrew these sections from our consideration by letter dated April 19, 2017.

No comments were received from LDEQ or the public on the proposal during the public notice and comment period.

II. Final Action

The EPA is approving the revisions to the Louisiana SIP that were proposed for approval in our November 22, 2016, proposal (81 FR 83771) as discussed below. This final action includes SIP submittals from the State of Louisiana submitted on November 15, 1993, November 10, 1994, and November 9, 2007.

The approved revisions provide in general: (1) Rule clarification; (2) rule consistency with Federal rules; (3) establishment of permit modification procedures; (4) establishment of reopening procedures: and (5) establishment of notification procedures for the notification of other states of Louisiana PSD permit actions. Specifically, we are approving revisions to the Louisiana SIP pertaining to the following sections:

- LAC 33:III.525 as submitted on November 15, 1993.
- LAC 33:III.527 as submitted on November 15, 1993, and November 10, 1994.
- LAC 33:III.529 as submitted on November 15, 1993.
- LAC 33:III.531 as submitted on November 15, 1993, and November 9, 2007.
- The EPA is withdrawing our proposed disapproval of LAC 33:III.501.B.1.d, LAC 33:III513.A.1, and LAC 33:III531.A.1. The LDEQ withdrew these sections from our consideration by letter dated April 19, 2017; as such, they are no longer in front of us for action.

We are taking this final action under section 110 and parts C and D of the Act.

III. Incorporation by Reference

In this rule, we are finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are finalizing to incorporate by reference revisions to the Louisiana regulations as described in the Final Action section above. We have made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the EPA Region 6 office.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to act on state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law.

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

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

B. Paperwork Reduction Act (PRA)

This final action does not impose an information collection burden under the PRA because the portion of the rules that are final for approval do not contain any information collection activities.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. The approved portion of this action will not impose any requirements on small entities. This action approves regulatory citations that incorporate notification requirements to government entities consistent with federal law, significant and minor permit modification criteria, and permit reopening criteria.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector. This action approves specific citations that incorporate notification requirements to government entities consistent with federal law, significant and minor permit modification criteria, and permit reopening criteria. It therefore will have no impact on small governments.

E. Executive Order 13132, Federalism

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

F. Executive Order 13175, Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. This action approves specific citations that incorporate notification requirements to government entities consistent with federal law, significant and minor permit modification criteria, and permit reopening criteria. There are no requirements or responsibilities added or removed from Indian Tribal Governments. Thus, Executive Order 13175 does not apply to this action.

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

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it approves specific citations that incorporate notification requirements to government entities consistent with federal law, significant and minor permit modification criteria, and permit reopening criteria.

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

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

I. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards.

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

EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations. This action is not subject to Executive Order 12898 because it approves specific citations that incorporate notification requirements to government entities consistent with federal law, significant and minor permit modification criteria, and permit reopening criteria.

K. Congressional Review Act (CRA)

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. The 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).

L. Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 31, 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. 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 27, 2017.

Samuel Coleman,

Acting Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart T—Louisiana

■ 2. In § 52.970(c), the table titled ''EPA Approved Louisiana Regulations in the Louisiana SIP'' is amended by adding entries in numerical order for Sections 525, 527, 529, and 531 to read as follows:

§ 52.970 Identification of plan

* * * * *

(c) * * *

EPA APPROVED LOUISIANA REGULATIONS IN THE LOUISIANA SIP

State citation	Title/subject	State approval date	EPA approval date	Comments
*	*	*	*	*
Section 525	Minor Modifications	11/20/1993	5/31/2017, [Insert **Federal Register** citation].	The SIP does not include LAC 33:III.525.A.2., B.2.c, B.3., B.4, B.5.a.–d., B.6., B.7., and B.8.
Section 527	Significant Modifications	11/20/1994	5/31/2017, [Insert **Federal Register** citation].	The SIP does not include LAC 33:III. 527.B.5.
Section 529	Reopenings for Cause	11/20/1993	5/31/2017, [Insert **Federal Register** citation].	The SIP does not include LAC 33:III.529.B., B.1., B.2., B.3., and B.4.
Section 531	Public Notice and Affected State Notice.	10/20/2006	5/31/2017, [Insert **Federal Register** citation].	The SIP does not include LAC 33:III.531.A.1., A.2., A.3., A.4., B.1.a., B.1.b., and B.1.c.
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[FR Doc. 2017–10955 Filed 5–30–17; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R05–OAR–2016–0044; FRL–9962–72–Region 5]

Air Plan Approval; Michigan; Redesignation of the Belding Area in Ionia County to Attainment of the 2008 Lead Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the State of Michigan's request to revise the designation of (redesignate) the Belding nonattainment area (Belding) to attainment of the 2008 National Ambient Air Quality Standards (NAAQS or standard) for lead. EPA is also approving the maintenance plan and related elements of the redesignation. EPA is approving reasonably available control measure (RACM)/reasonably available control technology (RACT) measures and a comprehensive emissions inventory as meeting the Clean Air Act (CAA) requirements. EPA is taking these actions in accordance with the CAA and EPA's implementation regulations regarding the 2008 lead NAAQS.

DATES: This direct final rule is effective July 31, 2017, unless EPA receives adverse comments by June 30, 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–R05–OAR–2016–0044 at *http://www.regulations.gov,* or via email to *blakley.pamela@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, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, 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: Matt Rau, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6524, *rau.matthew@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. Why is EPA concerned about lead?
II. What is the background for these actions?
III. What are the criteria for redesignation to attainment?
IV. What is EPA's analysis of Michigan's request?
V. What action is EPA taking?
VI. Statutory and Executive Order Reviews

I. Why is EPA concerned about lead?

Lead (Pb) is a metal found naturally in the environment and present in some manufactured products. However, Pb has serious public health effects and depending on the level of exposure can adversely affect the nervous system,

kidney function, immune system, reproductive and developmental systems and the cardiovascular system. Infants and young children are especially sensitive to even low levels of Pb, which may contribute to behavioral problems, learning deficits and lowered intelligence quotient. The major sources of Pb for air emissions have historically been from fuels used in on-road motor vehicles (such as cars and trucks) and industrial sources. As a result of EPA's regulatory efforts to remove Pb from on-road motor vehicle gasoline, emissions of Pb from the transportation sector dramatically declined by 95 percent between 1980 and 1999, and levels of Pb in the air decreased by 94 percent between 1980 and 1999.

II. What is the background for these actions?

On November 12, 2008 (73 FR 66964), EPA established the 2008 primary and secondary Pb NAAQS at 0.15 micrograms per cubic meter ($\mu g/m^3$) based on a maximum arithmetic 3-month mean concentration for a 3-year period. 40 CFR 50.16.

On November 22, 2010 (75 FR 71033), EPA completed its initial air quality designations and classifications for the 2008 Pb NAAQS based upon air quality monitoring data for calendar years 2007–2009. The designations became effective on December 31, 2010. In Michigan, EPA designated a portion of Ionia County, specifically a portion of the city of Belding, as nonattainment for the 2008 Pb NAAQS. 40 CFR 81.336.

On January 12, 2016, Michigan requested EPA to designate the Belding portion of Ionia County as attainment of the Pb NAAQS. Michigan documented its request meets the redesignation criteria of CAA section 107.

Michigan found that the Mueller Industries, Inc. (Mueller) facility in Belding, Michigan, is the sole source of Pb emissions in the area. Mueller's Belding facility produces brass rods used to produce plumbing fittings and fixtures and other products.

III. What are the criteria for redesignation to attainment?

The requirements for redesignating an area from nonattainment to attainment are found in CAA section 107 (d)(3)(E). There are five criteria for redesignating an area. First, the Administrator must determine that the entire area has attained the applicable NAAQS based on current air quality data. Second, the Administrator has fully approved the applicable SIP for the area under CAA section 110(k). The third criterion is for the Administrator to determine that the air quality improvement is the result of permanent and enforceable emission reductions. Fourth, the Administrator has fully approved a maintenance plan meeting the CAA section 175A requirements. The fifth criterion is that the state has met all the redesignation requirements of CAA section 110 and part D.

IV. What is EPA's analysis of Michigan's request?

A. Attainment Determination and Redesignation

1. The Area Has Attained the 2008 Pb NAAQS (Section 107(d)(3)(E)(i))

On July 24, 2015, EPA determined that the Belding, Michigan nonattainment area has attained the 2008 Pb NAAQS. 80 FR 43956. EPA made its clean data determination based upon complete, quality-assured and certified ambient air monitoring data for the 2012–2014 period. The Belding area attained the 2008 Pb NAAQS, with a design value of 0.06 $\mu g/m^3$ for 2012–2014.

EPA has reviewed the current monitoring data for Ionia County, Michigan. The 2013–2015 design values are 0.06 $\mu g/m^3$ for monitor 26–067–0002, 545 Reed Street in Belding, and 0.05 $\mu g/m^3$ for monitor 26–067–0003, 509 Merrick Street in Belding. The highest monitored value was 0.06 $\mu g/m^3$ for monitor 26–067–0002 in 2013. Current monitoring data indicate that the Belding area continues to attain the 2008 Pb NAAQS.

2. The Area Has Met All Applicable Requirements Under Section 110 and Part D and Has a Fully Approved SIP Under Section 110(k) (Section 107(d)(3)(E)(ii) and (v))

EPA determines that Michigan has met all currently applicable SIP requirements for purposes of redesignation for the Belding area under section 110 of the CAA (general SIP requirements). In addition, with the exceptions of the RACM/RACT requirements under section 172(c)(1) and the emissions inventory under section 172(c)(3), all applicable requirements of the Michigan SIP for purposes of redesignation have either been approved or have been suspended, by either a clean data determination or determination of attainment. EPA is also approving Michigan's 2013 emissions inventory as meeting the section 172(c)(3) comprehensive emissions inventory requirement as well as approving the RACM provisions as meeting the section 172(c)(1) requirement. Thus, we are determining that the Michigan submission meets all SIP requirements currently applicable for purposes of redesignation under part D of title I of the CAA, in accordance with sections 107(d)(3)(E)(ii) and 107(d)(3)(E)(v).

In making these determinations, EPA has ascertained which SIP requirements are applicable for purposes of redesignation, and concluded that the Michigan SIP includes measures meeting those requirements and that they are fully approved under section 110(k) of the CAA.

a. Michigan Has Met All Applicable Requirements for Purposes of Redesignation of the Belding Area Under Section 110 and Part D of the CAA

i. Section 110 General SIP Requirements

Section 110(a) of title I of the CAA contains the general requirements for a SIP. Section 110(a)(2) provides that the implementation plan submitted by a state must have been adopted by the state after reasonable public notice and hearing, and, among other things, must: (1) Include enforceable emission limitations and other control measures, means or techniques necessary to meet the requirements of the CAA; (2) provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor ambient air quality; (3) provide for implementation of a source permit program to regulate the modification and construction of any stationary source within the areas covered by the plan; (4) include provisions for the implementation of part C, Prevention of Significant Deterioration (PSD) and part D, New Source Review (NSR) permit programs; (5) include criteria for stationary source emission control measures, monitoring, and reporting; (6) include provisions for air quality modeling; and (7) provide for public and local agency participation in planning and emission control rule development. Section 110(a)(2)(D) of the CAA requires that SIPs contain measures to prevent sources in a state from significantly contributing to air quality problems in another state.

EPA interprets the ''applicable'' requirements for an area's redesignation to be those requirements linked with a particular area's nonattainment designation. Therefore, EPA believes that the section 110 elements described above that are not connected with nonattainment plan submissions and not linked with an area's attainment status, such as the ''infrastructure SIP'' elements of section 110(a)(2), are not applicable requirements for purposes of redesignation. A state remains subject to

these requirements after an area is redesignated to attainment, and thus EPA does not interpret such requirements to be relevant applicable requirements to evaluate in a redesignation. For example, the requirement to submit state plans addressing interstate transport obligations under section 110(a)(2)(D)(i)(I) continue to apply to a state regardless of the designation of any one particular area in the state, and thus are not applicable requirements to be evaluated in the redesignation context.

EPA has applied this interpretation consistently in many redesignations for decades. See *e.g.,* 81 FR 44210 (July 7, 2016) (final redesignation for the Sullivan County, Tennessee area); 79 FR 43655 (July 28, 2014) (final redesignation for Bellefontaine, Ohio Pb nonattainment area); 61 FR 53174–53176 (October 10, 1996) and 62 FR 24826 (May 7, 1997) (proposed and final redesignation for Reading, Pennsylvania ozone nonattainment area); 61 FR 20458 (May 7, 1996) (final redesignation for Cleveland-Akron-Lorain, Ohio ozone nonattainment area); and 60 FR 62748 (December 7, 1995) (final redesignation of Tampa, Florida ozone nonattainment area). See also 65 FR 37879, 37890 (June 19, 2000) (discussing this issue in final redesignation of Cincinnati, Ohio 1-hour ozone nonattainment area); 66 FR 50399 (October 19, 2001) (final redesignation of Pittsburgh, Pennsylvania 1-hour ozone nonattainment area).

EPA has reviewed the Michigan SIP and has determined that it meets the general SIP requirements under section 110 of the CAA to the extent the requirements are applicable for purposes of redesignation. EPA has previously approved provisions of Michigan's SIP addressing section 110 requirements, including provisions addressing Pb, at 40 CFR 52.1170.

On April 3, 2012, and supplemented on August 9, 2013, and September 19, 2013, Michigan submitted its infrastructure SIP elements for the 2008 Pb NAAQS as required by CAA section 110(a)(2). EPA approved Michigan's infrastructure SIP requirements for the 2008 Pb NAAQS on July 16, 2014. 79 FR 41439. The requirements of section 110(a)(2) are statewide requirements that are not linked to the Pb nonattainment status of the Belding area or Michigan's redesignation request.

ii. Part D Requirements

EPA determined that upon approval of the base year emissions inventories and RACM provisions discussed in this rulemaking, the Michigan SIP will meet the applicable SIP requirements for the Belding area applicable for purposes of redesignation under part D of the CAA. Subpart 1 of part D sets forth the basic nonattainment requirements applicable to all nonattainment areas.

(1) Section 172 Requirements

Section 172(c) sets out general nonattainment plan requirements. A thorough discussion of these requirements can be found in the General Preamble for Implementation of Title I (57 FR 13498, April 16, 1992) (''General Preamble''). EPA's longstanding interpretation of the nonattainment planning requirements of section 172 is that once an area is attaining the NAAQS, those requirements are not ''applicable'' for purposes of CAA section 107(d)(3)(E)(ii) and therefore need not be approved into the SIP before EPA can redesignate the area. In the General Preamble, EPA set forth its interpretation of applicable requirements for purposes of evaluating redesignation requests when an area is attaining a standard. 57 FR 13564. EPA noted that the requirements for reasonable further progress (RFP) and other measures designed to provide for an area's attainment do not apply in evaluating redesignation requests because those nonattainment planning requirements ''have no meaning'' for an area that has already attained the standard. *Id.* This interpretation was also set forth in the Calcagni Memorandum.

EPA's understanding of section 172 also forms the basis of its Clean Data Policy. Under the Clean Data Policy, EPA promulgates a determination of attainment, published in the **Federal Register** and subject to notice-and-comment rulemaking, and this determination formally suspends a state's obligation to submit most of the attainment planning requirements that would otherwise apply, including an attainment demonstration and planning SIPs to provide for RFP, RACM, and contingency measures under section 172(c)(9). The Clean Data Policy has been codified in regulations regarding the implementation of the ozone and $PM_{2.5}$ NAAQS. 70 FR 71612 (November 29, 2005) and 72 FR 20586 (April 25, 2007). The Clean Data Policy has also been specifically applied in a number of Pb nonattainment areas where EPA has determined that the area is attaining the Pb NAAQS. 79 FR 46212 (August 7, 2014) (proposed determination of attainment of Lyons, Pennsylvania Pb nonattainment area); 80 FR 51127 (determination of attainment of Eagan, Minnesota Pb nonattainment area). EPA finalized a Clean Data Determination under this policy for the Belding Pb nonattainment area on July 24, 2015. 80 FR 43956.

EPA's long-standing interpretation regarding the applicability of section 172(c)'s attainment planning requirements for an area that is attaining a NAAQS applies in this redesignation of the Belding Pb nonattainment area as well, except for the applicability of the requirement to implement all reasonably available control measures under section 172(c)(1). On July 14, 2015, the United States Court of Appeals for the Sixth Circuit (6th Circuit) ruled that to meet the requirement of section 107(d)(3)(E)(ii), states are required to submit plans addressing RACM/RACT under section 172(c)(1) and EPA is required to approve those plans prior to redesignating the area, regardless of whether the area is attaining the standard. *Sierra Club* v. *EPA,* 793 F.3d 656 (6th Cir. 2015). As Michigan is within the jurisdiction of the 6th Circuit, EPA is acting in accordance with the *Sierra Club* decision by approving RACM provisions in parallel with this redesignation action.[1]

Section 172(c)(1) requires the plans for all nonattainment areas to provide for the implementation of all RACM as expeditiously as practicable and to provide for attainment of the primary NAAQS. Under this requirement, a state must consider all available control measures, including reductions that area available from adopting RACT on existing sources, for a nonattainment area and adopt and implement such measures as are reasonably available in the area as components of the area's attainment demonstration. EPA is today approving Michigan's RACM submission. Therefore, Michigan has met its requirements under CAA sections 172(c)(1) and 107(d)(3)(E)(v).

The remaining section 172(c) ''attainment planning'' requirements are not applicable for purposes of evaluating Michigan's redesignation request. Specifically, the RFP requirement under section 172(c)(2), which is defined as progress that must be made toward attainment, the requirement to submit section 172(c)(9) contingency measures, which are measures to be taken if the area fails to make reasonable further progress to attainment, and section 172(c)(6)'s requirement that the SIP contain control

[1] Although the approach being implemented here is inconsistent with the Agency's longstanding national policy, such deviation is required in order to act in accordance with a Circuit Court decision. Consistent with 40 CFR 56.5(b), the Region does not need to seek concurrence from EPA Headquarters for such deviation in these circumstances. 81 FR 51102 (August 3, 2016).

measures necessary to provide for attainment of the standard, are not applicable requirements that Michigan must meet here because the Belding area has monitored attainment of the 2008 Pb NAAQS. As noted, EPA issued a determination of attainment (or clean data determination) for the Belding area in July 2015, which formally suspended the obligation to submit any of the attainment planning SIPs. 80 FR 43956 (July 24, 2015).

Section 172(c)(3) requires submission and approval of a comprehensive, accurate, and current inventory of actual emissions. Michigan submitted 2009, 2011, and 2013 emission inventories along with its redesignation request. The 2013 inventory can be used as the most accurate and current inventory. As discussed in section III.B., EPA is approving the 2013 base year inventory as meeting the section 172(c)(3) emissions inventory requirement for the Belding area.

Section 172(c)(4) requires the identification and quantification of allowable emissions for major new and modified stationary sources in an area, and section 172(c)(5) requires source permits for the construction and operation of new and modified major stationary sources anywhere in the nonattainment area. EPA approved Michigan's current NSR program on December 16, 2013. 78 FR 76064. In addition, the state's maintenance plan does not rely nonattainment NSR, therefore having a fully approved NSR program is not an applicable requirement, but that, nonetheless, EPA has approved the state's program.[2]

Section 172(c)(6) requires the SIP to contain control measures necessary to provide for attainment of the standard. No additional measures are needed to provide for attainment because attainment has been reached.

Section 172(c)(7) requires the SIP to meet the applicable provisions of section 110(a)(2). EPA finds that the Michigan SIP meets the section 110(a)(2) applicable requirements for purposes of redesignation.

(2) Section 176 Conformity Requirements

CAA section 176(c) requires states to establish criteria and procedures to ensure that Federally-supported or funded activities, including highway and transit projects, conform to the air quality planning goals in the applicable SIPs. The requirement to determine conformity applies to transportation plans, programs and projects developed, funded or approved under title 23 of the U.S. Code and the Federal Transit Act (transportation conformity) as well as to all other Federally-supported or funded projects (general conformity). Considering the elimination of Pb additives in gasoline, transportation conformity does not apply to the Pb NAAQS. 73 FR 66964, 67043 n.120. EPA approved Michigan's general conformity SIP on December 18, 1996. 61 FR 66607.

b. Michigan Has a Fully Approved Applicable SIP Under Section 110(k) of the CAA

Upon final approval of Michigan's comprehensive 2013 emissions inventories and approval of RACM for the Belding Pb area, EPA will have fully approved the Michigan SIP for the Belding area under section 110(k) of the CAA for all requirements applicable for purposes of redesignation, in accordance with section 107(d)(3)(E)(ii). EPA may rely on prior SIP approvals in approving a redesignation request (*See* page 3 of the September 4, 1992, *Processing Requests to Redesignate Areas to Attainment: Policy Memorandum* (Calcagni memorandum)); *Southwestern Pennsylvania Growth Alliance* v. *Browner,* 144 F.3d 984, 989–990 (6th Cir. 1998); *Wall* v. *EPA,* 265 F.3d 426 (6th Cir. 2001)). EPA also relies on measures approved in conjunction with a redesignation action. *See* 68 FR 25413 (May 12, 2003) (approving I/M program for St. Louis) and 68 FR 25413, 25426 (May 12, 2003). Michigan has adopted and submitted, and EPA has fully approved, required SIP provisions addressing the 2008 Pb standards. Of the CAA requirements applicable to this redesignation request, only two remain—the emissions inventory requirement of section 172(c)(3) and the RACM requirement of section 172(c)(1).

EPA is approving the submitted Mueller emission controls as RACM/RACT and Michigan's 2013 emissions inventories for the Belding area as meeting the requirement of CAA section 172(c)(3). There are no SIP provisions are currently disapproved, conditionally approved, or partially approved in the Belding, Michigan area under section 110(k) in accordance with section 107(d)(3)(E)(ii).

3. The Improvement in Air Quality Is Due to Permanent and Enforceable Reductions in Emissions Resulting From Implementation of the SIPs and Applicable Federal Air Pollution Control Regulations and Other Permanent and Enforceable Reductions (Section 107(d)(3)(E)(iii))

To support the revision of an area's designation from nonattainment to attainment, CAA section 107(d)(3)(E)(iii) requires EPA to determine that the air quality improvement in the area is due to permanent and enforceable reductions in emissions. The permanent and enforceable emission reductions result from the implementation of the SIP and applicable Federal air pollution control regulations and other permanent and enforceable emission reductions.

Michigan identified Mueller as the lone source of Pb emissions near the nonattainment area. Mueller produces brass rods that are used in making plumbing fixtures and fittings among other products at its facility in Belding, Michigan. Mueller implemented various control measures on its west chip and east chip dryers that result in decreased emissions. In 2010, it stopped operating its uncontrolled east chip dryer and installed controls on its west chip dryer. A permanent and enforceable Permit to Install number 16–11 (PTI 16–11) was issued on October 20, 2011, and revised on March 15, 2012, which limits Pb emissions and requires certain controls for the east and west chip dryers. PTI 16–11 requires each chip dryer to operate a cyclone, a thermal oxidizer, a wet scrubber, and a demister to control emissions. Operation of the east chip dryer is allowed once the required controls are installed. The west chip dryer stack height was increased to 122 feet in January 2012. The east chip dryer stack height is also required to be 122 feet. Increasing the stack height creates more dispersion of the exhaust, which can reduce the maximum concentration. The controls and emission limits in PTI 16–11 are permanent and enforceable. Michigan analyzed the control measures added in PTI 16–11 and found that these measures brought the Belding area into attainment of the 2008 Pb NAAQS. The monitoring data in the Belding area, as detailed in III.A.1, show the area has met and continues to meet the 2008 Pb NAAQS.

In addition, the Reduction of Lead in Drinking Water Act (Section 1417 of the Safe Drinking Water Act, 42 U.S.C. 300g–6) prohibits the use of Pb in plumbing fittings or fixtures. Effective January 4, 2014, plumbing fittings and fixtures must go from a weighted average of 8.0 percent Pb to 0.25 percent

[2] A detailed rationale for this view is described in a memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994, entitled, ''Part D New Source Review Requirements for Areas Requesting Redesignation to Attainment.''

Pb. This reduction requires Mueller to reduce the amount of Pb used in its brass rod production, which is expected to continue the decrease in its Pb emissions.

4. Michigan Has a Fully Approved Maintenance Plan Pursuant to Section 175A of the CAA (Section 107(d)(3)(E)(iv))

In conjunction with its request to designate the Belding nonattainment area to attainment, Michigan requested a SIP revision to provide for maintenance of the 2008 Pb NAAQS in the area through 2025.

a. What is required in a maintenance plan?

The required elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment are contained in section 175A of the CAA. Under section 175A, the plan must demonstrate continued attainment of the applicable NAAQS for at least 10 years after EPA approves a redesignation to attainment. Eight years after redesignation, the state must submit a revised maintenance plan which demonstrates that attainment will continue to be maintained for the subsequent 10 years.

To address the possibility of future NAAQS violations, the maintenance plan must contain contingency measures with a schedule for implementation as EPA deems necessary to assure prompt correction of any future Pb violations.

The September 4, 1992, Calcagni memorandum provides additional guidance on the content of a maintenance plan. The memorandum states that a maintenance plan should address the following items: The attainment emissions inventory, a maintenance demonstration showing maintenance for the 10 years of the maintenance period, a commitment to maintain the existing monitoring network, factors and procedures to be used for verification of continued attainment of the NAAQS, and a contingency plan to prevent or correct future violations of the NAAQS.

Michigan's maintenance plan shows that the Belding area's emissions will remain below the attainment year levels through 2025.

b. Attainment Inventory

Michigan provided Pb emissions inventories for the nonattainment years (2009 and 2011), attainment year (2013), and future year (2025). The Pb emissions for Mueller's Belding, Michigan facility are listed in Table 1.

TABLE 1—MUELLER LEAD EMISSIONS

2009	2,277.73 pounds	nonattainment year.
2011	1,402.93 pounds	nonattainment year.
2013	1,153.15 pounds	attainment year.
2025	864 pounds	future year.

Michigan identified Mueller as the lone source of Pb emissions in the vicinity of the Belding nonattainment area. Thus, the emissions inventories provided are adequate for the Belding area.

c. Demonstration of Maintenance

Michigan included a section 175(A) maintenance plan in its submission. Section 175A requires a state seeking redesignation to attainment to submit a SIP revision to provide for the maintenance of the NAAQS in the area ''for at least 10 years after the redesignation''. EPA has interpreted this as a showing of maintenance ''for a period of ten years following redesignation''. Calcagni memorandum at 9. Where the emissions inventory method of showing maintenance is used, its purpose is to show that emissions during the maintenance period will not increase over the attainment year inventory. Calcagni memorandum at 9–10.

A maintenance demonstration need not be based on modeling. See Wall v. EPA, 265 F.3d 426 (6th Cir. 2001), Sierra Club v. EPA, 375 F. 3d 537 (7th Cir. 2004). See also 66 FR 53094, 53099–53100 (October 19, 2001), 68 FR 25413, 25430–25432 (May 12, 2003). Michigan has provided both an emissions inventory as well as air dispersion modeling of the emission limits established in PTI 16–11 to demonstrate that the area should maintain the standard into the future. A summary of the air dispersion modeling for Mueller was included in Michigan's submissions. The modeling evaluated the Consent Order 9–2011 and PTI 16–11 revisions. Michigan used the American Meteorology Society/Environmental Protection Agency Regulatory Model version 11103. That analysis yielded a maximum impact of 0.13 $\mu g/m^3$, which is below the 2008 Pb NAAQS of 0.15 $\mu g/m^3$. This modeling analysis is valid for the Belding redesignation as the Mueller control revisions are responsible for the emission reductions that brought the area into attainment. Michigan also provided an emissions inventory for an attainment year, 2013, and for a future year, 2025. See Table 1. Michigan is projecting a 25 percent decrease below attainment year emissions Pb emissions from the source due to the reduction in Pb usage in brass manufacturing. Under the Reduction of Lead in Drinking Water Act, plumbing fittings and fixtures must go from a weighted average of 8.0 percent Pb to 0.25 percent Pb, driving the expected Pb decreases from Mueller.

Michigan's maintenance plan submission shows that the Belding area's Pb emissions will remain below the attainment year inventories through 2025. The reductions in Pb emissions in Belding result from the permeant and enforceable control measures for Mueller, the lone Pb source in the area. Monitoring data show the Belding area ambient Pb concentrations declined following the Mueller emission reductions. It is reasonable to expect the emissions to remain at the reduced levels because of the control measures implemented. Thus, it is reasonable to expect the Belding area will continue to attain the 2008 Pb NAAQS through 2027.

EPA believes that Michigan's submission demonstrates that the area will continue to maintain the 2008 Pb NAAQS at least through 2027. This is because the 2027 emissions should remain at the same level as projected for 2025 due to the permanent and enforceable limits in PTI 16–11 along with additional reductions from other rules. In addition, the air dispersion modeling indicates that with the PTI 16–11 controls the Belding area ambient Pb concentration will be below the 2008 Pb NAAQS. Thus, EPA is approving the redesignation request and maintenance plans based on a showing, in accordance with section 175A, that the Michigan's maintenance plan provides for maintenance for at least 10 years after redesignation.

d. Monitoring Network

Michigan will monitor ambient Pb levels during the 10 year maintenance period in the Belding area to confirm continued maintenance of the 2008 Pb

NAAQS. EPA determines that the Belding, Michigan area Pb monitoring network is adequate to confirm maintenance. Michigan commits to continue to operate an adequate monitoring network.

e. Verification of Continued Attainment

Michigan will also continue to enter its air monitoring data into the Air Quality System in accordance with Federal guidelines. It will also submit periodic emissions inventories to EPA as required by the Federal Consolidated Emissions Reporting Rule to verify continued attainment. 67 FR 39602, June 10, 2002. Both actions will help to verify continued attainment in accordance with 40 CFR part 58.

f. Contingency Plan

The contingency plan provisions are designed to promptly correct or prevent a violation of the NAAQS that might occur after redesignation of an area to attainment. CAA section 175A requires that the maintenance plan include such contingency measures. The maintenance plan should identify the contingency measures to be adopted, a schedule and procedure for adoption and implementation of the contingency measures, and a time limit for action by the state. The state should also identify specific indicators to be used to determine when the contingency measures need to be adopted and implemented. The maintenance plan must include a requirement that the state will implement all pollution control measures that were contained in the SIP before redesignation of the area to attainment. Section 175A(d) of the CAA.

Michigan commits to implement one or more contingency measures should the 2008 Pb NAAQS be violated during the maintenance period. The contingency measures are:

i. Increase inspection frequency of Mueller to twice per year, beginning three months after a quality-assured violation of the NAAQS at a Belding, Michigan air monitoring site. The increased inspection frequency will remain in place until the quality-assured Pb ambient air monitored levels show NAAQS compliance on a 3-year rolling average.

ii. Require Mueller to submit an enhanced preventative maintenance/malfunction abatement plan within six months after a quality-assured violation of the NAAQS at a Belding, Michigan air monitoring site.

iii. Require Mueller to reassess control strategies that further limit Pb emissions within one year of a quality-assured violation of the NAAQS at a Belding, Michigan air monitoring site.

Michigan will also consider any other potential contingency measures at the time of the selection.

EPA finds that Michigan's maintenance plan adequately addresses the five basic components of a maintenance plan: attainment inventory, maintenance demonstration, monitoring network, verification of continued attainment, and a contingency plan.

As required by section 175A(b) of the CAA, Michigan commits to submit to the EPA an updated Pb maintenance plan eight years after redesignation of the Belding area to cover an additional 10 year period beyond the initial 10 year maintenance period.

EPA is approving Michigan's 2008 Pb maintenance plan for the Belding area as meeting the requirements of CAA section 175A.

B. Comprehensive Emissions Inventory

Section 172(c)(3) of the CAA requires areas to submit a comprehensive, accurate, and current emissions inventory. Michigan provided such an inventory in its submission.

Michigan identified Mueller as the lone source of Pb emissions in the vicinity of the Belding nonattainment area. Thus, it provided the emissions for Mueller that represent the emissions of the Belding area. In 2013, Pb emissions were 1,153.15 pounds. *See* Table 1.

EPA approves the Pb emissions inventories submitted by Michigan in January 2016 as fully meeting the comprehensive inventory requirement of section 172(c)(3) of the CAA for the Belding area for the 2008 Pb NAAQS.

C. RACM Requirements

Based on the 6th Circuit decision, CAA Section 172(c)(1) requires areas to have approved RACM/RACT provisions to be redesignated. PTI 16–11 added legally enforceable emission controls on Mueller considered to be RACT for Pb. PTI 16–11 requires each Mueller chip dryer to operate a cyclone, a thermal oxidizer, a wet scrubber, and a demister to control emissions. The west chip dryer stack height was increased to 122 feet in January 2012. The east chip dryer stack height is also required to be 122 feet. EPA is approving the emission controls as required by PTI 16–11 as satisfying the RACT requirement of Section 172(c)(1).

V. What action is EPA taking?

EPA has determined that the Belding area is attaining the 2008 Pb NAAQS and that the area has met the requirements for redesignation under section 107(d)(3)(E) of the CAA. EPA is thus approving the requests from Michigan to change the legal designation of the Belding area from nonattainment to attainment for the 2008 Pb standard. EPA is approving Michigan's maintenance plan for the Belding area as a revision to the Michigan SIP because the plan meets the requirements of section 175A of the CAA. EPA is approving the emission controls in PTI 16–11 as required by Consent Order 9–2011 as meeting the RACM/RACT requirements of CAA section 172(c)(1). EPA is approving the 2013 emissions inventory as meeting the comprehensive emissions inventory requirements of section 172(c)(3) of the CAA. EPA is taking these actions in accordance with the CAA and EPA's implementation regulations regarding the 2008 Pb NAAQS.

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective July 31, 2017 without further notice unless we receive relevant adverse written comments by June 30, 2017. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. 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. If we do not receive any comments, this action will be effective July 31, 2017.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting

Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

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).

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Lead.

40 CFR Part 81

Environmental protection, Air pollution control.

Dated: May 4, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

40 CFR parts 52 and 81 are amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.1170 the table in paragraph (e) is amended:

■ a. Under ''Emissions Inventories'' by adding an entry for ''2008 lead (Pb) 2013 base year'' after the entry for ''1997 annual $PM_{2.5}$ 2005 base year;'' and

■ b. Under ''Maintenance Plans'' by adding an entry for ''2008 lead (Pb)'' after the entry for ''2006 24-Hour $PM_{2.5}$.''

The additions read as follows:

§ 52.1170 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED MICHIGAN NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
*	*	*	*	*
Emissions Inventories				
*	*	*	*	*
2008 lead (Pb) 2013 base year.	Belding area (Ionia County, part).	1/12/2016	5/31/2017, [insert **Federal Register** citation].	
*	*	*	*	*
Maintenance Plans				
*	*	*	*	*
2008 lead (Pb)	Belding area (Ionia County, part).	1/12/2016	5/31/2017, [insert **Federal Register** citation].	
*	*	*	*	*

■ 3. Section 52.1188 is amended by adding paragraphs (b) and (c) to read as follows:

§ 52.1188 Control strategy: Lead (Pb).

* * * * *

(b) Michigan's 2013 lead emissions inventory for the Belding area as submitted on January 12, 2016, satisfying the emission inventory requirements of section 172(c)(3) of the Clean Air Act for the Belding area.

(c) *Approval.* The 2008 lead maintenance plan for the Belding, Michigan nonattainment area has been approved as submitted on January 12, 2016.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 4. The authority citation for part 81 continues to read as follows:

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

■ 5. Section 81.323 is amended by revising the entry for Belding, MI in the table entitled ''Michigan—2008 Lead NAAQS'' to read as follows:

§ 81.323 Michigan.

* * * * *

MICHIGAN—2008 LEAD NAAQS

Designated area	Designation for the 2008 NAAQS [a]	
	Date [1]	Type
Belding, MI:		
Ionia County (part)	5/31/2017	Attainment.
The area bounded by the following coordinates: Southeast corner by latitude 43.0956705 N and longitude 85.2130771 W; southwest corner (intersection of S. Broas St. and W. Washington St.) by latitude 43.0960358 N and longitude 85.2324027 W; northeast corner by latitude 43.1074942 N and longitude 85.2132313 W; western boundary 1 (intersection of W. Ellis St. and the vertical extension of S. Broas St.) by latitude 43.1033277 N and longitude 85.2322553 W; western boundary 2 (intersection of W. Ellis St. and N. Bridge St.) by latitude 43.1033911 N and longitude 85.2278464 W; western boundary 3 (intersection of N. Bridge St. and Earle St.) by latitude 43.1074479 N and longitude 85.2279722 W.		
* * * * * * *		

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] December 31, 2011 unless otherwise noted.

[FR Doc. 2017–10928 Filed 5–30–17; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R05–OAR–2016–0395; FRL–9963–01–Region 5]

Air Plan Approval; Ohio; Redesignation of the Cleveland Area to Attainment of the 2008 Lead Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On June 29, 2016, the Ohio Environmental Protection Agency (OEPA) submitted a request for the Environmental Protection Agency (EPA) to redesignate the partial Cuyahoga County nonattainment area (known as and referred to as the Cleveland area) to attainment for the 2008 national ambient air quality standards (NAAQS or standards) for lead. EPA finds that the Cleveland area meets the requirements for redesignation and is also approving several additional related actions. EPA is approving, as revisions to the Ohio state implementation plan (SIP), reasonably available control measure/reasonably available control technology (RACM/RACT) requirements, emissions inventory requirements, and the state's plan for maintaining the 2008 lead NAAQS through 2030 for the area. EPA is taking these actions in accordance with the Clean Air Act (CAA) and EPA's implementation regulations regarding the 2008 lead NAAQS.

DATES: This direct final rule will be effective July 31, 2017, unless EPA receives adverse comments by June 30, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2016–0395 at *http://www.regulations.gov* or via email to *blakley.pamela@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, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, 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: Carolyn Persoon, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8290, *persoon.carolyn@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What action is EPA taking?
II. Why is EPA concerned about lead?
III. What is the background for these actions?
IV. What are the criteria for redesignation to attainment?
V. What is EPA's analysis of the state's request?
VI. What are the effects of EPA's actions?
VII. Statutory and Executive Order Reviews

I. What action is EPA taking?

EPA is taking several actions related to the redesignation of the Cleveland area to attainment for the 2008 lead NAAQS. EPA is approving Ohio's lead maintenance plan for the Cleveland area as a revision to the Ohio SIP. EPA is also approving RACM/RACT that satisfies 172(c)(1) requirements and is approving the 2013 lead base year emission inventories, which satisfy the requirement in section 172(c)(3) for a current, accurate and comprehensive emission inventory.

EPA finds that Ohio meets the requirements for redesignation of the Cleveland area to attainment of the 2008 lead NAAQS under section 107(d)(3)(E) of the CAA. EPA is thus granting Ohio's request to change the designation of the Cleveland area from nonattainment to attainment for the 2008 lead NAAQS. EPA's analysis for these actions are discussed in Section V. of today's rulemaking.

II. Why is EPA concerned about lead?

Lead is a metal found naturally in the environment as well as in manufactured products. However, lead has serious public health effects and depending on the level of exposure can adversely affect the nervous system, kidney function, immune system, reproductive and developmental systems and the cardiovascular system. Infants and young children are especially sensitive to even low levels of lead, which may contribute to behavioral problems, learning deficits and lowered IQ. Today the highest levels of lead in the air are usually found near lead smelters. In Cleveland, the Ferro facility was the primary source of lead in the area. The primary manufacturing process employing lead at the facility is the production of frit. Frits compounds are used for glazing surfaces such as porcelain, ceramic, enamel and glass. The lead raw material used at the Ferro facility is used primarily in leaded glass production.

III. What is the background for these actions?

On November 12, 2008 (73 FR 66964), EPA revised the 1978 NAAQS and established the 2008 primary and secondary lead NAAQS from 1.5 micrograms per cubic meter ($\mu g/m^3$) to 0.15 $\mu g/m^3$ based on a maximum arithmetic three-month mean concentration for a three-year period. *See* 40 CFR 50.16. On November 22, 2010 (75 FR 71033), EPA published its initial air quality designations and classifications for the 2008 lead NAAQS based upon air quality monitoring data for calendar years 2007–2009. These designations became effective on December 31, 2010.[1] The Cleveland area was designated nonattainment for the 2008 lead NAAQS. *See* 40 CFR 81.336. OEPA submitted its redesignation request to EPA on June 29, 2016.

[1] EPA completed a second round of designations for the 2008 lead NAAQS on November 22, 2011, *see* 76 FR 72097, and designated one additional area on September 3, 2014. *See* 79 FR 52205. No additional areas in Ohio were designated as nonattainment for the 2008 lead NAAQS after the initial round of designations.

IV. What are the criteria for redesignation to attainment?

The CAA sets forth the requirements for redesignating a nonattainment area to attainment. Specifically, section 107(d)(3)(E) of the CAA allows for redesignation provided that: (1) The Administrator determines that the area has attained the applicable NAAQS based on current air quality data; (2) the Administrator has fully approved an applicable SIP for the area under section 110(k) of the CAA; (3) the Administrator determines that the improvement in air quality is due to permanent and enforceable emission reductions resulting from implementation of the applicable SIP, Federal air pollution control regulations, or other permanent and enforceable emission reductions; (4) the Administrator has fully approved a maintenance plan for the area meeting the requirements of section 175A of the CAA; and (5) the state containing the area has met all requirements applicable to the area for purposes of redesignation under section 110 and part D of the CAA.

V. What is EPA's analysis of the state's request?

EPA is approving the redesignation of the Cleveland area to attainment of the 2008 lead NAAQS and is also approving Ohio's maintenance plan, emissions inventory, and RACM for the area. The bases for these actions follow.

A. Attainment Determination and Redesignation the Area Has Attained the 2008 Lead NAAQS (Section 107(d)(3)(E)(i))

In a rulemaking on May 26, 2015, EPA determined that the Cleveland area was attaining the standard with a monitored air quality design value of 0.03 $\mu g/m^3$ for the period of 2010–2012, well below the standard of 0.15 $\mu g/m^3$. *See* 80 FR 29964.

EPA today is reaffirming that the Cleveland, Ohio area is attaining the 2008 lead NAAQS based on the most current data with a design value equal to or less than 0.15 $\mu g/m^3$. This finding is based on complete, quality-assured and certified lead monitoring data for the 2013–2015 period. The 2013–2015 design value for the area is 0.02 $\mu g/m^3$ and preliminary 2014–2016 data indicate that the area is attaining with no violations. The monitoring data for the 3 years (2013–2015) can be found at *https://www.epa.gov/air-trends*.

1. The Area Has Met All Applicable Requirements Under Section 110 and Part D and Has a Fully Approved SIP Under Section 110(k) (Section 107(d)(3)(E)(ii) and (v))

EPA has determined that Ohio has met all currently applicable SIP requirements for purposes of redesignation for the Cleveland area under section 110 of the CAA (general SIP requirements). In addition, with the exception of the emissions inventory under section 172(c)(3) and RACM/RACT requirements under 172(c)(1), all applicable planning requirements of the Ohio SIP for purposes of redesignation have either been approved or have been suspended by either a clean data determination or determination of attainment. As discussed below, in this action, EPA is approving Ohio's 2013 emissions inventory as meeting the section 172(c)(3) comprehensive emissions inventory requirement, as well as approving RACM provisions as meeting the 172(c)(1) requirement. Thus, we are determining that the Ohio submittal meets all SIP requirements currently applicable for purposes of redesignation under part D of title I of the CAA, in accordance with sections 107(d)(3)(E)(ii) and 107(d)(3)(E)(v).

In making these determinations, we have ascertained which SIP requirements are applicable for purposes of redesignation, and concluded that the Ohio SIP includes measures meeting those requirements and that they are fully approved under section 110(k) of the CAA.

a. Ohio Has Met All Applicable Requirements for Purposes of Redesignation of the Cleveland Area Under Section 110 and Part D of the CAA

i. Section 110 General SIP Requirements

Section 110(a) of title I of the CAA contains the general requirements for a SIP. Section 110(a)(2) provides that the implementation plan submitted by a state must have been adopted by the state after reasonable public notice and hearing, and, among other things, must include enforceable emission limitations and other control measures, means or techniques necessary to meet the requirements of the CAA; provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor ambient air quality; provide for implementation of a source permit program to regulate the modification and construction of any stationary source within the areas covered by the plan; include provisions for the implementation of part C, Prevention of

Significant Deterioration (PSD) and part D, New Source Review (NSR) permit programs; include criteria for stationary source emission control measures, monitoring, and reporting; include provisions for air quality modeling; and provide for public and local agency participation in planning and emission control rule development. Section 110(a)(2)(D) of the CAA requires that SIPs contain measures to prevent sources in a state from significantly contributing to air quality problems in another state.

EPA interprets the ''applicable'' requirements for an area's redesignation to be those requirements linked with a particular area's nonattainment designation. Therefore, we believe that the section 110 elements described above that are not connected with nonattainment plan submissions and not linked with an area's attainment status, such as the ''infrastructure SIP'' elements of section 110(a)(2), are not applicable requirements for purposes of redesignation. A state remains subject to these requirements after an area is redesignated to attainment, and thus EPA does not interpret such requirements to be relevant applicable requirements to evaluate in a redesignation. For example, the requirement to submit state plans addressing interstate transport obligations under section 110(a)(2)(D)(i)(I) continue to apply to a state regardless of the designation of any one particular area in the state, and thus are not applicable requirements to be evaluated in the redesignation context.

EPA has applied this interpretation consistently in many redesignations for decades. See *e.g.,* 81 FR 44210 (July 7, 2016) (final redesignation for the Sullivan County, Tennessee area); 79 FR 43655 (July 28, 2014) (final redesignation for Bellefontaine, Ohio lead nonattainment area); 61 FR 53174–53176 (October 10, 1996) and 62 FR 24826 (May 7, 1997) (proposed and final redesignation for Reading, Pennsylvania ozone nonattainment area); 61 FR 20458 (May 7, 1996) (final redesignation for Cleveland-Akron-Lorain, Ohio ozone nonattainment area); and 60 FR 62748 (December 7, 1995) (final redesignation of Tampa, Florida ozone nonattainment area). See also 65 FR 37879, 37890 (June 19, 2000) (discussing this issue in final redesignation of Cincinnati, Ohio 1-hour ozone nonattainment area); 66 FR 50399 (October 19, 2001) (final redesignation of Pittsburgh, Pennsylvania 1-hour ozone nonattainment area).

We have reviewed the Ohio SIP and determined that it meets the general SIP requirements under section 110 of the CAA to the extent they are applicable for purposes of redesignation. EPA has previously approved provisions of Ohio's SIP addressing section 110 requirements (including provisions addressing lead), at 40 CFR 52.1870.

On October 12, 2011, and supplemented on June 7, 2013, Ohio made submittals addressing ''infrastructure SIP'' elements for the lead NAAQS required under CAA section 110(a)(2). EPA approved the lead infrastructure SIPs in 2014, however, as noted above, the requirements of section 110(a)(2) are statewide requirements that are not linked to the lead nonattainment status of the Cleveland area. Therefore, these SIP elements are not applicable requirements for purposes of review of the state's lead redesignation request.

ii. Part D Requirements

EPA has determined that upon approval of the base year emissions inventory and RACM provisions discussed in this rulemaking, the Ohio SIP will meet the requirements applicable for purposes of redesignation under part D of the CAA for the Cleveland lead nonattainment area. Subpart 1 of part D sets forth the general nonattainment requirements applicable to all nonattainment areas.

(1) Section 172 Requirements

Section 172(c) sets out general nonattainment plan requirements. A thorough discussion of these requirements can be found in the General Preamble for Implementation of Title I (57 FR 13498, April 16, 1992) (''General Preamble''). EPA's longstanding interpretation of the nonattainment planning requirements of section 172 is that once an area is attaining the NAAQS, those requirements are not ''applicable'' for purposes of CAA section 107(d)(3)(E)(ii) and therefore need not be approved into the SIP before EPA can redesignate the area. In the General Preamble, EPA set forth its interpretation of applicable requirements for purposes of evaluating redesignation requests when an area is attaining a standard. *See* 57 FR at 13564. EPA noted that the requirements for reasonable further progress and other measures designed to provide for an area's attainment do not apply in evaluating redesignation requests because those nonattainment planning requirements ''have no meaning'' for an area that has already attained the standard. *Id.* This interpretation was also set forth in the Calcagni [2] Memorandum.

EPA's understanding of section 172 also forms the basis of its Clean Data Policy. Under the Clean Data Policy, EPA promulgates a determination of attainment, published in the **Federal Register** and subject to notice-and-comment rulemaking, and this determination formally suspends a state's obligation to submit most of the attainment planning requirements that would otherwise apply, including an attainment demonstration and planning SIPs to provide for reasonable further progress (RFP), RACM, and contingency measures under section 172(c)(9). The Clean Data Policy has been codified in regulations regarding the implementation of the ozone and $PM_{2.5}$ NAAQS. See *e.g.,* 70 FR 71612 (November 29, 2005) and 72 FR 20586 (April 25, 2007). The Clean Data Policy has also been specifically applied in a number of lead nonattainment areas where EPA has determined that the area is attaining the lead NAAQS. See, *e.g.,* 79 FR 46212 (August 7, 2014) (proposed determination of attainment of Lyons, Pennsylvania lead nonattainment area); 80 FR 51127 (determination of attainment of Eagan, Minnesota lead nonattainment area). EPA finalized a Clean Data Determination under this policy for the Cleveland lead nonattainment area in 2015. 80 FR 29964 (May 26, 2015).

EPA's long-standing interpretation regarding the applicability of section 172(c)'s attainment planning requirements for an area that is attaining a NAAQS applies in this redesignation of the Cleveland lead nonattainment area as well, with the exception of the applicability of the requirement to implement all RACM under section 172(c)(1). On July 14, 2015, the United States Court of Appeals for the Sixth Circuit (6th Circuit) ruled that, in order to meet the requirement of section 107(d)(3)(E)(ii), states are required to submit plans addressing RACM/RACT under section 172(c)(1) and EPA is required to approve those plans prior to redesignating the area, regardless of whether the area is attaining the standard. *Sierra Club* v. *EPA,* 793 F.3d 656 (6th Cir. 2015). Because Ohio is within the jurisdiction of the 6th Circuit, EPA is acting in accordance with the *Sierra Club* decision by approving RACM provisions in parallel with this redesignation action.[3]

[2] September 4, 1992, Memorandum from John Calcagni, Director, Air Quality Management Division (EPA), entitled, ''Procedures for Processing Requests to Redesignate Areas to Attainment.''

[3] Although the approach being implemented here is inconsistent with the Agency's longstanding national policy, such deviation is required in order to act in accordance with a Circuit Court decision. Consistent with 40 CFR 56.5(b), the Region does not

Continued

Section 172(c)(1) requires the plans for all nonattainment areas to provide for the implementation of all RACM as expeditiously as practicable and to provide for attainment of the primary NAAQS. Under this requirement, a state must consider all available control measures, including reductions that area available from adopting RACT on existing sources, for a nonattainment area and adopt and implement such measures as are reasonably available in the area as components of the area's attainment demonstration. As discussed in further detail below, EPA is today approving Ohio's RACM submission. Therefore, Ohio has met its requirements under CAA section 172(c)(1) and section 107(d)(3)(E)(v).

As noted above, the remaining section 172(c) ''attainment planning'' requirements are not applicable for purposes of evaluating the state's redesignation request. Specifically, the reasonable further progress (RFP) requirement under section 172(c)(2), which is defined as progress that must be made toward attainment, the requirement to submit section 172(c)(9) contingency measures, which are measures to be taken if the area fails to make reasonable further progress to attainment, and section 172(c)(6)'s requirement that the SIP contain control measures necessary to provide for attainment of the standard, are not applicable requirements that Ohio must meet here because the Cleveland area has monitored attainment of the 2008 lead NAAQS. As noted above, EPA issued a determination of attainment (or clean data determination) for the Cleveland area in May 2015, which formally suspended the obligation to submit any of the attainment planning SIPs. 80 FR 29964 (May 26, 2015).

Section 172(c)(3) requires submission and approval of a comprehensive, accurate and current inventory of actual emissions. Ohio submitted a 2013 base year emissions inventory along with their redesignation request on June 29, 2016, and requested that the 2013 inventories be used as the most accurate and current inventory. As discussed below in section IV.B., EPA is approving the 2013 base year inventory as meeting the section 172(c)(3) emissions inventory requirement for the Cleveland area.

Section 172(c)(4) requires the identification and quantification of allowable emissions for major new and modified stationary sources in an area, and section 172(c)(5) requires source permits for the construction and operation of new and modified major stationary sources anywhere in the nonattainment area. EPA approved Ohio's current NSR program on January 10, 2003 (68 FR 1366). In addition, the state's maintenance plan does not rely nonattainment NSR, therefore having a fully approved NSR program is not an applicable requirement, but that, nonetheless, we have approved the state's program.[4]

Section 172(c)(7) requires the SIP to meet the applicable provisions of section 110(a)(2). As noted above, we find that the Ohio SIP meets the section 110(a)(2) applicable requirements for purposes of redesignation.

(2) Section 176 Conformity Requirements

Section 176(c) of the CAA requires states to establish criteria and procedures to ensure that Federally-supported or funded activities, including highway and transit projects, conform to the air quality planning goals in the applicable SIPs. The requirement to determine conformity applies to transportation plans, programs and projects developed, funded or approved under title 23 of the U.S. Code and the Federal Transit Act (transportation conformity) as well as to all other Federally-supported or funded projects (general conformity). In light of the elimination of lead additives in gasoline, transportation conformity does not apply to the lead NAAQS. See *73 FR 66964, 67043 n.120.* EPA approved Ohio's general conformity SIP on March 11, 1996 (61 FR 9646).

b. Ohio Has a Fully Approved Applicable SIP Under Section 110(k) of the CAA

Upon final approval of Ohio's comprehensive 2013 emissions inventories and approval of RACM for the Cleveland lead area, EPA will have fully approved the Ohio SIP for the Cleveland area under section 110(k) of the CAA for all requirements applicable for purposes of redesignation, in accordance with section 107(d)(3)(E)(ii). EPA may rely on prior SIP approvals in approving a redesignation request. See Calcagni Memorandum at 3); *Southwestern Pennsylvania Growth Alliance* v. *Browner,* 144 F.3d 984, 989–990 (6th Cir. 1998); *Wall* v. *EPA,* 265 F.3d 426 (6th Cir. 2001). EPA also relies on measures approved in conjunction with a redesignation action. See, *e.g.,* 68 FR 25413 (May 12, 2003) (approving I/M program for St. Louis) and 68 FR 25426 (May 12, 2003) (approving redesignation relying in part on I/M program approval). As discussed in the prior section, Ohio has adopted and submitted, and EPA has fully approved, a number of required SIP provisions addressing the 2008 lead standards. Of the CAA requirements applicable to this redesignation request, only two remain—the emissions inventory requirement of section 172(c)(3) and the RACM requirement of section 172(c)(1).

In today's action, EPA is approving Ohio's 2013 emissions inventories for the Cleveland area as meeting the requirement of section 172(c)(3) of the CAA, and approving RACM provisions meeting the requirement of 172(c)(1). No Cleveland area SIP provisions are currently disapproved, conditionally approved, or partially approved. Therefore, the Administrator has fully approved the applicable requirements for the Cleveland area under section 110(k) in accordance with section 107(d)(3)(E)(ii).

2. The Improvement in Air Quality Is Due to Permanent and Enforceable Reductions in Emissions Resulting From Implementation of the SIPs and Applicable Federal Air Pollution Control Regulations and Other Permanent and Enforceable Reductions (Section 107(d)(3)(E)(iii))

EPA believes that Ohio has demonstrated that the observed air quality improvement in the Cleveland area is due to permanent and enforceable reductions in emissions at the Ferro facility. An analysis performed by Ohio identified malfunctions and poor maintenance of Ferro's bag houses (dust collectors) as the primary cause of violations in 2010. The bag houses, which have a normal efficiency of 99%, capture a majority of the lead emissions from the facility. Ohio required Ferro, as part of the permanent and enforceable permit to install, to decrease emission limits for lead and create a preventative maintenance plan (PMP) to maintain the bag house controls at maximum efficiency. The lower emission limits and PMP at Ferro resulted in monitored values well below the standard. Emissions went down 48% from 0.00605 tons per year (tpy) in nonattainment year 2010, to 0.00071 tpy in 2013 after the new emission limits and PMP were implemented (See Table 1). Both the PMP and the emission limit changes are permanent and enforceable through the facility's updated permit to install. In addition to the permit to install, EPA is also approving these

need to seek concurrence from EPA Headquarters for such deviation in these circumstances. *See also* 81 FR 51102 (August 3, 2016).

[4] A detailed rationale for this view is described in a memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994, entitled, ''Part D New Source Review Requirements for Areas Requesting Redesignation to Attainment.''

measures into the SIP as providing maintenance and as being measures that meet the RACM requirement.

3. Ohio's Maintenance Plan Pursuant to Section 175A of the CAA (Section 107(d)(3)(E)(iv))

In conjunction with Ohio's request to redesignate the Cleveland nonattainment area to attainment status, Ohio has submitted a SIP revision to provide for maintenance of the 2008 lead NAAQS in the area through 2030.

a. What is required in a maintenance plan?

Section 175A of the CAA sets forth the required elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. Under section 175A, the plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after EPA approves a redesignation to attainment. Eight years after redesignation, the state must submit a revised maintenance plan which demonstrates that attainment will continue to be maintained for ten years following the initial ten year maintenance period. To address the possibility of future NAAQS violations, the maintenance plan must contain contingency measures with a schedule for implementation as EPA deems necessary to assure prompt correction of any future lead NAAQS violations.

The September 4, 1992, Calcagni memorandum provides additional guidance on the content of a maintenance plan. The memorandum states that a maintenance plan should address the following items: The attainment emissions inventory, a maintenance demonstration showing maintenance for the ten years of the maintenance period, a commitment to maintain the existing monitoring network, factors and procedures to be used for verification of continued attainment of the NAAQS, and a contingency plan to prevent or correct future violations of the NAAQS.

As discussed in detail in the section below, the state's maintenance plan submission expressly documents that the area's emissions inventory and modeling show that the area will remain below the attainment year inventories through 2030, more than ten years after redesignation.

b. Attainment Inventory

Ohio developed an emissions inventory for lead for 2013, one of the years in the period during which the Cleveland area monitored attainment of the 2008 lead standard. The attainment level of emissions is summarized in Table 1, along with future maintenance projections.

c. Demonstration of Maintenance

Ohio submitted a revision to its lead SIP to include a maintenance plan for the Cleveland area, as required by section 175A of the CAA. Ohio's plan demonstrates maintenance of the 2008 lead standard through 2030 by showing that current and future emissions of lead in the area remain at or below attainment year emission levels, and in addition that the area can show modeled attainment of the standard with the permitted and SIP approved emission limits. EPA is primarily relying on the emissions inventory comparison showing the decline in emissions between 2013 and 2030, but we note that the modeling conducted in 2010 using the permitted emission limits (see docket) also supports the conclusion that they will model attainment in the future.

As discussed in the section below, the state's maintenance plan submission expressly documents that the area's emissions inventories will remain below the attainment year inventories through 2030.

Emissions from the Ferro facility's operations are calculated from the amount of lead oxide (tons) used during the facility's leaded glass operations. As shown in Table 1 as the 2010 baseline, the emissions were 0.00605 tons per year (tpy). Production at the Ferro facility is projected to go down slightly in the future based on current and historical trends in leaded glass demand, resulting in a projected decrease in lead emissions. EPA is also approving into the SIP, as part of the maintenance plan and as meeting RACM requirements, the emission limits and PMP provisions needed to attain and maintain the 2008 lead standard as outlined in Ohio's request and provided in the docket which includes a 0.3 tpy combined emissions limit for units P064 through P069 as well as the base control devices and upgrades, in addition the 0.009 tpy limit for P071 and all base control devices and upgrades for units P001, P071, P100, P101, and P951.

In addition to projected emission reductions for the maintenance year of 2030, Ohio also conducted a modeling analysis to show that there would be no violation of the 2008 lead standard with the emission limits outlined in the permanent and enforceable limits and PMP that are now in place through the permit to install and what EPA is approving as provisions into the maintenance plan portion of Ohio's SIP.

TABLE 1—COMPARISON OF 2010, 2013, 2021, AND 2030 LEAD EMISSION TOTALS (tpy) FOR THE CLEVELAND AREA

2010 Baseline (nonattainment year)	2013 (attainment)	2021 (interim)	2030 (maintenance)	Safety margin
0.006050	0.000705	0.000732	0.000511	0.000194

d. Monitoring Network

Ohio currently operates one lead monitor in the Cleveland, Ohio area. Ohio's maintenance plan includes a commitment to continue to operate its EPA-approved monitoring network to demonstrate ongoing compliance with the NAAQS.

e. Verification of Continued Attainment

Ohio remains obligated to continue to quality-assure monitoring data and enter all data into the Air Quality System (AQS) in accordance with Federal guidelines. Ohio will use these data, supplemented with additional information as necessary, to assure that the area continues to attain the standard. Ohio will also continue to develop and submit periodic emission inventories as required by the Federal Consolidated Emissions Reporting Rule (67 FR 39602, June 10, 2002) to track future levels of emissions. Both of these actions will help to verify continued attainment in accordance with 40 CFR part 58.

f. Contingency Plan

The contingency plan provisions are designed to promptly correct or prevent a violation of the NAAQS that might occur after redesignation of an area to attainment. Section 175A of the CAA requires that a maintenance plan include such contingency measures as EPA deems necessary to assure that the state will promptly correct a violation of the NAAQS that occurs after redesignation. The maintenance plan should identify the contingency

measures to be adopted, a schedule and procedure for adoption and implementation of the contingency measures, and a time limit for action by the state. The state should also identify specific indicators to be used to determine when the contingency measures need to be adopted and implemented. The maintenance plan must include a requirement that the state will implement all pollution control measures that were contained in the SIP before redesignation of the area to attainment. *See* section 175A(d) of the CAA.

Ohio's contingency plan defines a warning level and action level response. The warning level response will trigger when a lead monitor three-month rolling average exceeds 0.135 μg/m^3 in the maintenance area. If a warning level response is triggered, Ohio will conduct a study to determine whether the lead values indicate a trend toward exceeding the standard and what control measure would be necessary to reverse the trend within 12 months of the conclusion of the calendar year. The action level response will be prompted by the determination of the warning level study that a reverse of the trend is needed, or by the three-month rolling average exceeding 0.143 μg/m^3. The action level response will require Ohio to work with the culpable entity to evaluate and implement the needed control measures to bring the area into attainment within 18 months of the conclusion of the calendar year that triggered the response.

Currently, no new sources of lead are projected for the Cleveland area, so all control measures would be determined after an analysis of the situation, but could include control devices, secondary controls, or improved housekeeping and maintenance. Ohio commits to continue implementing SIP requirements upon and after redesignation.

EPA believes that Ohio's contingency measures, as well as the commitment to continue implementing existing SIP requirements, satisfy the pertinent requirements of section 175A(d).

As required by section 175A(b) of the CAA, Ohio commits to submit to the EPA an updated lead maintenance plan eight years after redesignation of the Cleveland area to cover an additional ten year period beyond the initial ten year maintenance period.

For the reasons set forth above, EPA is approving Ohio's 2008 lead maintenance plan for the Cleveland area as meeting the requirements of CAA section 175A.

B. Comprehensive Emissions Inventory

As discussed above, section 172(c)(3) of the CAA requires areas to submit a comprehensive emissions inventory including all lead sources in the nonattainment area. EPA is approving the Ohio 2013 emissions inventory outlined in Table 1 for the Ferro facility as fulfilling this requirement (see docket for full emissions inventory). EPA believes that the emissions inventories are complete and accurate, and meet the requirement of CAA section 172(c)(3).

C. RACM Requirements

As discussed above, section 172(c)(1), as interpreted by the 6th Circuit decision, requires areas to have an approved RACM/RACT provision in order to be redesignated. EPA is approving the existing controls and maintenance provisions for the Ferro facility as fulfilling this requirement, including the 0.3 tpy combined emissions limit for units P064 through P069 as well as the base control devices and upgrades, in addition the 0.009 tpy limit for P071 and all base control devices and upgrades for units P001, P071, P100, P101, and P951. The current controls and PMP have brought the area into attainment and constitute RACM, and meets the requirement of CAA section 172(c)(1).

VI. What are the effects of EPA's actions?

Approval of this redesignation request changes the official designation of the Cleveland, Ohio area for the 2008 lead NAAQS, found at 40 CFR part 81, from nonattainment to attainment. This action also approves as revisions to the Ohio SIP for the Cleveland area, the maintenance plan for the 2008 lead standard, Ohio's 2013 emissions inventory for the Cleveland area satisfies the requirement of section 172(c)(3), and approves that the existing limits and PMP in the construction permit satisfies the RACM/RACT 172(c)(1) requirement.

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective July 31, 2017 without further notice unless we receive relevant adverse written comments by June 30, 2017. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. 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. If we do not receive any comments, this action will be effective July 31, 2017.

VII. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on tribes, impact any existing sources of air pollution on tribal lands, nor impair the maintenance of ozone national ambient air quality standards in tribal lands.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 31, 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

40 CFR Part 52

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

40 CFR Part 81

Environmental protection, Administrative practice and procedure, Air pollution control, Designations and classifications, Intergovernmental relations, Lead, Reporting and recordkeeping requirements.

Dated: May 11, 2017.

Cheryl L. Newton,

Acting Regional Administrator, Region 5.

40 CFR parts 52 and 81 are amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.1870 the table in paragraph (e) is amended by adding a new entry for ''Lead (2008)'' at the end of the section titled ''Summary of Criteria Pollutant Maintenance Plan'' to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED OHIO NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Title	Applicable geographical or non-attainment area	State date	EPA approval	Comments
*	*	*	*	*
Summary of Criteria Pollutant Maintenance Plan				
*	*	*	*	*
Lead (2008)	Cleveland (partial Cuyahoga County).	6/29/2016	5/31/2017, [insert **Federal Register** citation].	Includes approval of the 2013 lead base year emissions inventory and emission limits and PMP as RACM for the Ferro facility.
*	*	*	*	*

■ 3. Section 52.1893 is amended by adding paragraphs (c), (d), and (e) to read as follows:

§ 52.1893 Control strategy: Lead (Pb).

* * * * *

(c) Ohio's 2013 lead emissions inventory for the Cleveland area as, as submitted on June 29, 2016, satisfying the emission inventory requirements of section 172(c)(3) of the Clean Air Act for the Cleveland area.

(d) Approval—The 2008 lead maintenance plan for the Cleveland,

Ohio nonattainment area has been approved as submitted on June 29, 2016.

(e) EPA is approving the existing controls and maintenance provisions in the permit to install for the Ferro facility including the preventative maintenance plan, 0.3 tpy combined emissions limit for units P064 through P069 as well as the base control devices and upgrades, in addition the 0.009 tpy limit for P071 and all base control devices and upgrades for units P001, P071, P100, P101, and P951 as fulfilling the RACM/RACT 172(c)(1) requirement.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 4. The authority citation for part 81 continues to read as follows:

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

■ 5. Section 81.336 is amended by revising the entry for ''Cleveland, OH:'' in the table entitled ''Ohio—2008 Lead NAAQS'' to read as follows:

§ 81.336 Ohio.

* * * * *

OHIO—2008 LEAD NAAQS

Designated area	Designation for the 2008 NAAQS [a]	
	Date [1]	Type
* * * * * * *		
Cleveland, OH:		
Cuyahoga County (part)	5/31/2017	Attainment.
The portions of Cuyahoga County that are bounded on the west by Washington Park Blvd./Crete Ave./East 49th St., on the east by East 71st St., on the north by Fleet Ave., and on the south by Grant Ave.		
* * * * * * *		

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] December 31, 2011, unless otherwise noted.

[FR Doc. 2017–10968 Filed 5–30–17; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–HQ–OAR–2003–0215 and EPA–HQ–OAR–2014–0451; FRL–9963–19–OAR]

RIN 2060–AT62

Stay of Standards of Performance for Municipal Solid Waste Landfills and Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Stay.

SUMMARY: By a letter dated May 5, 2017, the Administrator announced the convening of a proceeding for reconsideration of certain requirements in the final rules, ''Standards of Performance for Municipal Solid Waste Landfills,'' and ''Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills,'' both published on August 29, 2016. In this action, the EPA is staying subparts, which were added or revised by the two rules, for 90 days pending reconsideration.

DATES: Title 40 CFR part 60, subpart Cf, and 40 CFR part 60, subpart XXX, are stayed from May 31, 2017 until August 29, 2017.

ADDRESSES: Electronic copies of this document are available on the EPA's Web site at *https://www.epa.gov/stationary-sources-air-pollution/municipal-solid-waste-landfills-new-source-performance-standards.* Copies of this document are also available at *https://www.regulations.gov,* at Docket ID No. EPA–HQ–OAR–2003–0215 and EPA–HQ–OAR–2014–0451.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Tsirigotis, Sector Policies and Programs Division (D205–01), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: (888) 627–7764; email address: *airaction@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On July 14, 2016, the U.S. Environmental Protection Agency (EPA) Administrator signed a final rule establishing new source performance standards (NSPS) intended to reduce emissions of landfill gas from new, modified, and reconstructed municipal solid waste (MSW) landfills, thereby updating standards that were issued in 1996. In a separate action, the Administrator also signed a final rule revising guidelines for reducing emissions from existing MSW landfills, thereby updating the previous emissions guidelines (EG), which also were issued in 1996. The NSPS are codified at 40 CFR part 60, subpart XXX, and the EG are codified at 40 CFR part 60, subpart Cf. For further information on these 2016 rules, see 81 FR 59332 and 81 FR 59276 (August 29, 2016).

On October 27, 2016, a number of interested parties submitted administrative petitions to the EPA seeking reconsideration of various aspects of the 2016 rules pursuant to section 307(d)(7)(B) of the Clean Air Act (CAA) (42 U.S.C. 7607(d)(7)(B)).[1] Under section 307(d)(7)(B) of the CAA, the Administrator shall convene a reconsideration proceeding if, in the Administrator's judgment, the petitioner raises an objection to a rule that was impracticable to raise during the comment period or if the grounds for the objection arose after the comment period, but within the period for judicial review. In either case, the Administrator must also conclude that the objection is of central relevance to the outcome of the rule. The Administrator may stay the effectiveness of the rule for up to 3 months during such reconsideration.

In a letter dated May 5, 2017, based on the criteria in CAA section 307(d)(7)(B), the Administrator convened a proceeding for reconsideration. The May 5, 2017, letter announced the convening of an administrative reconsideration proceeding to reconsider the following topics from one petition: (1) Tier 4 surface emission monitoring; (2) annual liquids reporting; (3) corrective action

[1] Copies of these petitions are included in the docket for the 2016 rules, Docket ID No. EPA–HQ–OAR–2003–0215 and EPA–HQ–OAR–2014–0451.

timeline procedures; (4) overlapping applicability with other rules; (5) the definition of cover penetration; and (6) design plan approval. As part of the proceeding, the EPA will prepare a notice of proposed rulemaking that will provide the petitioners and the public an opportunity to comment on the issues identified in that letter. As explained in the letter, the EPA has not taken action on the remaining issues in the petitions for reconsideration. A copy of the letter is included in the dockets for this rule, Docket ID No. EPA–HQ–OAR–2003–0215 and EPA–HQ–OAR–2014–0451.

The EPA convened a proceeding for reconsideration based on the determination that some of the objections raised in the petition for reconsideration met the criteria set forth in CAA section 307(d)(7)(B), 42 U.S.C. 7607(d)(7)(B), which requires the Administrator to convene a proceeding for reconsideration of a rule when the person raising an objection to a rule can demonstrate: (1) That it was either impractical to raise the objection during the period for public comment or that the grounds for the objection arose after the period for public comment; and (2) that the objection is of central relevance to the outcome of the rule. In particular, we determined that the tier 4 surface emissions monitoring (SEM) issues raised in the petition for reconsideration met those criteria. The proposed rule included tier 4 SEM as an optional monitoring method; however, the final rule imposed restrictions on the use of tier 4 SEM, *e.g.,* limits on wind speed, the use of wind barriers, and restricting the use of tier 4 SEM to landfills with non-methane organic compounds emission rates between 34 and 50 mega grams per year, that were not included in the proposal. While we believe that the restrictions are appropriate in light of the potential impact of the results of tier 4 SEM, we recognize that they were added without the benefit of public comment. Thus, we find that the petitioners have demonstrated that it was impractical to raise the objection during the period for public comment. We also find that the objection to the restrictions on the use of tier 4 SEM is of central relevance to the outcome of the rule. Tier 4 SEM can be used as a site-specific methodology for determining whether and when the requirement to install a gas collection and control system is triggered. The restrictions limit an owner's/operator's ability to use tier 4 SEM for those purposes, thereby reducing intended flexibility in the rule. If we had the benefit of public comment on the restrictions, we might have structured the rule in such a way as to minimize any potential impacts on flexibility.

II. Stay of Subparts Cf and XXX

By this action, the EPA is staying the subparts added or revised by two final rules, ''Standards of Performance for Municipal Solid Waste Landfills,'' 81 FR 59332 and ''Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills,'' 81 FR 59276 for 90 days pursuant to its authority under section 307(d)(7)(B) of the CAA. We believe that it is necessary to stay the subparts in their entirety because the tier 4 SEM provisions in the two rules are integral to how the rules function as a whole. The ability to use tier 4 SEM is a primary aspect of the flexibility we intended to include in the rule. Tier 4 SEM can be used to determine on a site-specific basis whether and when the requirement to install and operate a gas collection and control system is triggered. The tier 4 SEM provision provides flexibility in complying with other requirements in the rules that does not otherwise exist. As a result, we believe that it is appropriate to stay the subparts in their entirety while we address the tier 4 SEM issues and the other issues for which the Administrator has granted reconsideration. Therefore, pursuant to section 307(d)(7)(B) of the CAA, the EPA is staying 40 CFR part 60, subpart XXX, and 40 CFR part 60, subpart Cf, for 90 days.

This stay will remain in place until August 29, 2017.

List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements.

Dated: May 22, 2017.

E. Scott Pruitt,

Administrator.

40 CFR part 60 is amended as follows:

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

■ 1. The authority citation for part 60 continues to read as follows:

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

Subpart Cf—[Stayed]

■ 2. Subpart Cf is stayed from May 31, 2017 until August 29, 2017.

Subpart XXX—[Stayed]

■ 2. Subpart XXX is stayed from May 31, 2017 until August 29, 2017.

[FR Doc. 2017–10752 Filed 5–30–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 161118999–7280–02]

RIN 0648–XF410

Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Nantucket Lightship Access Area to General Category Individual Fishing Quota Scallop Vessels

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces that the Nantucket Lightship Scallop Access Area will close to Limited Access General Category Individual Fishing Quota scallop vessels for the remainder of the 2017 fishing year as of the effective date below. No vessel issued a Limited Access General Category Individual Fishing Quota permit may fish for, possess, or land scallops from the Nantucket Lightship Scallop Access Area. Regulations require this action once it is projected that 100 percent of trips allocated to the Limited Access General Category Individual Fishing Quota scallop vessels for the Nantucket Lightship Scallop Access Area will be taken.

DATES: Effective 0001 hr local time, May 30, 2017, through March 31, 2018.

FOR FURTHER INFORMATION CONTACT: Shannah Jaburek, Fishery Management Specialist, (978) 282–8456.

SUPPLEMENTARY INFORMATION: Regulations governing fishing activity in the Sea Scallop Access Areas can be found in 50 CFR 648.59 and 648.60. These regulations authorize vessels issued a valid Limited Access General Category (LAGC) Individual Fishing Quota (IFQ) scallop permit to fish in the Nantucket Lightship Scallop Access Area under specific conditions, including a total of 837 trips that may be taken during the 2017 fishing year. Section 648.59(g)(3)(iii) requires the Nantucket Lightship Scallop Access

Area to be closed to LAGC IFQ permitted vessels for the remainder of the fishing year once the NMFS Greater Atlantic Regional Administrator determines that the allowed number of trips for fishing year 2017 are projected to be taken.

Based on trip declarations by LAGC IFQ scallop vessels fishing in the Nantucket Lightship Scallop Access Area, analysis of fishing effort, and other information, NMFS projects that 837 trips will be taken as of May 30, 2017. Therefore, in accordance with § 648.59(g)(3)(iii), NMFS is closing the Nantucket Lightship Scallop Access Area to all LAGC IFQ scallop vessels as of May 30, 2017. No vessel issued an LAGC IFQ permit may fish for, possess, or land scallops in or from the Nantucket Lightship Scallop Access Area after 0001 local time, May 30, 2017. Any LAGC IFQ vessel that has declared into the Nantucket Lightship Access Area scallop fishery, complied with all trip notification and observer requirements, and crossed the VMS demarcation line on the way to the area before 0001, May 30, 2017, may complete its trip without being subject to this closure. This closure is in effect for the remainder of the 2017 scallop fishing year.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866. NMFS finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest and impracticable. The Nantucket Lightship Scallop Access Area opened for the 2017 fishing year on March 23, 2017. The regulations at § 648.59(g)(3)(iii) require this closure to ensure that LAGC IFQ scallop vessels do not take more than their allocated number of trips in the Nantucket Lightship Scallop Access Area. The projections of the date on which the LAGC IFQ fleet will have taken all of its allocated trips in an Access Area become apparent only as trips into the area occur on a real-time basis and as activity trends begin to appear. As a result, NMFS can only make an accurate projection very close in time to when the fleet has taken all of its trips. In order to propose a closure for purposes of receiving prior public comment, NMFS would need to make a projection based on very little information, which would result in a closure too early or too late. To allow LAGC IFQ scallop vessels to continue to take trips in the Nantucket Lightship Scallop Access Area during the period necessary to publish and receive comments on a proposed rule would likely result in vessels taking much more than the allowed number of trips in the Nantucket Lightship Scallop Access Area. Excessive trips and harvest from the Nantucket Lightship Scallop Access Area would result in excessive fishing effort in the area, where effort controls are critical, thereby undermining conservation objectives of the Atlantic Sea Scallop Fishery Management Plan and requiring more restrictive future management measures. Also, the public had prior notice and full opportunity to comment on this closure process when we put these provisions in place. For these same reasons, NMFS further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period.

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

Dated: May 25, 2017.

Margo B. Schulze-Haugen,

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

[FR Doc. 2017–11180 Filed 5–25–17; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 161020985–7181–02]

RIN 0648–XF468

Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole for Vessels Participating in the BSAI Trawl Limited Access Fishery in the Bering Sea and Aleutian Islands Management Area

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for yellowfin sole in the Bering Sea and Aleutian Islands management area (BSAI) for vessels participating in the BSAI trawl limited access fishery. This action is necessary to prevent exceeding the 2017 allocation of yellowfin sole total allowable catch for vessels participating in the BSAI trawl limited access fishery in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), May 26, 2017, through 2400 hrs, A.l.t., December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2017 allocation of yellowfin sole total allowable catch for vessels participating in the BSAI trawl limited access fishery in the BSAI is 18,151 metric tons (mt) as established by the final 2017 and 2018 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017). In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2017 allocation of yellowfin sole total allowable catch allocated as a directed fishing allowance for vessels participating in the BSAI trawl limited access fishery in the BSAI will soon be reached. Consequently, NMFS is prohibiting directed fishing for yellowfin sole for vessels participating in the BSAI trawl limited access fishery in the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for yellowfin sole by vessels fishing in the BSAI trawl limited access fishery in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of May 24, 2017.

The acting AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for

waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: May 25, 2017.

Margo B. Schulze-Haugen,

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

[FR Doc. 2017–11197 Filed 5–25–17; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 103
Wednesday, May 31, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 989

[Doc. No. AO–FV–16–0016; AMS–SC–16–0011; SC16–989–1]

Raisins Produced From Grapes Grown in California; Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendment of Marketing Order No. 989

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule and opportunity to file exceptions.

SUMMARY: This recommended decision proposes amendments to Marketing Order No. 989 (order), which regulates the handling of raisins grown in California. Five amendments are proposed by the Raisin Administrative Committee (RAC or Committee), which is responsible for local administration of the order. These proposed amendments would: Authorize production research; establish new nomination procedures for independent producer member and alternate member seats; add authority to regulate quality; add authority to establish different regulations for different markets; and add a continuance referenda requirement.

In addition, the Agricultural Marketing Service (AMS) proposed two amendments. These amendments would remove order language pertaining to volume regulation and reserve pool authority and would establish term limits for Committee members. In addition, AMS proposed to make any such changes as may be necessary to the order to conform to any amendment that may result from the hearing. These proposed amendments are intended to update the order to reflect changes in the industry and potential future changes, and to improve the operation and administration of the order.

DATES: Written exceptions must be filed by June 30, 2017.

ADDRESSES: Written exceptions should be filed with the Hearing Clerk, U.S. Department of Agriculture, Room 1031–S, Washington, DC 20250–9200; Fax: (202) 720–9776 or via the internet at *http://www.regulations.gov.* All comments should reference the docket number and the date and page number of this issue of the **Federal Register**. Comments will be made available for public inspection in the Office of the Hearing Clerk during regular business hours or can be viewed at: *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Melissa Schmaedick, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, Post Office Box 952, Moab, UT 84532; Telephone: (202) 557–4783, Fax: (435) 259–1502, or Michelle Sharrow, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., Stop 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Melissa.Schmaedick@ams.usda.gov* or *Michelle.Sharrow@ams.usda.gov.*

Small businesses may request information on this proceeding by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., Stop 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Richard.Lower@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing issued on April 14, 2016, and published in the April 22, 2016 issue of the **Federal Register** (81 FR 23650).

This action is governed by the provisions of sections 556 and 557 of title 5 of the United States Code and is therefore excluded from the requirements of Executive Orders 12866, 13563, and 13175.

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to the proposed amendments to Marketing Order 989 regulating the handling of raisins grown in California and the opportunity to file written exceptions thereto. Copies of this decision can be obtained from Melissa Schmaedick, whose address is listed above.

This recommended decision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act,'' and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR part 900).

The proposed amendments are based on the record of a public hearing held on May 3 and 4, 2016, in Clovis, California. Notice of this hearing was published in the **Federal Register** on April 22, 2016 (81 FR 23650). The notice of hearing contained five proposals submitted by the Committee and three proposals by USDA.

The Committee's proposed amendments were recommended by the Committee on January 27, 2016, and were submitted to USDA on February 2, 2016. USDA made a determination to schedule this matter for hearing.

The Committee's proposed amendments to the order would: (1) Authorize production research; (2) establish new nomination procedures for independent producer member and alternate member seats; (3) add authority to regulate quality; (4) add authority to establish different regulations for different markets; and (5) add a continuance referenda requirement.

The Department of Agriculture (USDA) also proposed two amendments to: (1) Remove order language pertaining to volume regulation and reserve pool authority, and (2) establish term limits for Committee members. In addition, USDA proposed to make any such changes as may be necessary to the order to conform to any amendment that may be adopted, or to correct minor inconsistencies and typographical errors.

Fourteen industry witnesses testified at the hearing. The witnesses represented raisin producers and handlers in the production area, as well as the Committee, and they all supported the proposed amendments, with the exception of one industry witness who did not support the proposal for continuance referenda. All industry witnesses, however, were opposed to USDA's proposal to require term limits for Committee membership.

Witnesses offered testimony supporting the recommendation to authorize production research.

According to testimony, production research has historically been conducted by the California Raisin Marketing Board (CRMB). However, due to ongoing legal challenges to that program, the program's research activities have been suspended. Witnesses stated that adding research authority to the Federal marketing order would enable the industry to continue research while CRMB research is suspended. In the event that the CRMB were to cease to exist, the industry would be able to maintain research continuity under the Federal program.

Witnesses testified in support of revising the RAC nomination process for independent producer members and independent producer alternate members so that each would be held separately. Witnesses stated that the current process, which combines nominations for members and alternates, and allots seats based on votes received to fill member seats first, results in multiple independent producer alternate member seat vacancies.

Allowing for separate nominations for members and alternates would, according to witnesses, encourage participation by those who wish to serve in only one capacity and not the other. This process would allow individuals who only want to serve as alternates to no longer risk being seated as a member if they received high vote counts, as they would have previously. Witnesses believe that this proposal would increase participation of independent producers in the RAC as fewer vacancies would occur with separate nominations for members and alternates.

Witnesses favored two proposals that would add authority to the order to regulate quality and to allow the establishment of different regulations for different markets. Witnesses explained that ''quality'' is mentioned in several sections of the order. However, the authority to regulate quality does not currently exist. The proposal to add this authority would support the order's current language. Witnesses also stated that quality authority could be used to establish future regulation to address quality issues not traditionally captured in grade and size regulation, such as the reduction of contaminants, including Ochratoxin. Witnesses indicated that this authority could also assist the industry in complying with the Food and Drug Administration's (FDA) food safety guidelines under the Food Safety Modernization Act of 2011 (FSMA).

The proposal to add authority to establish different regulations for different markets was supported by witnesses who spoke to the need to tailor product to the differing demands of foreign consumers. Witnesses explained that this would help their products to be more competitive against foreign producers in those markets. Furthermore, witnesses indicated that this authority would allow future quality regulations to fit the demand profile of individual markets.

The proposal to require continuance referenda was supported by witnesses who valued the opportunity to voice their support or displeasure with the order on a periodic basis. While all but one witness testified in support of this proposal, there were differing positions taken on the timing of such referenda. The one witness who testified against the proposal stated that he would have been in favor of a ''discontinuance'' referendum requirement. By ''discontinuance'', the witness explained that a two-thirds majority of voters voting would need to favor discontinuance in order for the program to no longer exist.

Nonetheless, the majority of witnesses favored an initial continuance referendum no sooner than five years and no later than six years from implementation of the amendment and that subsequent referenda be conducted every six years.

At the conclusion of the hearing, the Administrative Law Judge established a deadline of July 21, 2016, for the submission of corrections to the transcript, and September 9, 2016, as a deadline for interested persons to file proposed findings and conclusions or written arguments and briefs based on the evidence received at the hearing.

One brief was filed. The brief identified a correction that had been overlooked and not included in the transcript corrections due July 21, 2016. This correction has been taken into consideration in the development of this recommended decision.

Material Issues

The material issues presented on the record of hearing are as follows:

1. Whether to amend § 989.53 to authorize production research.

2. Whether to amend §§ 989.29 and 989.129 to authorize separate nominations for independent producer member and independent producer alternate member seats.

3. Whether to amend §§ 989.58, 989.59 and 989.61 to add authority to regulate quality, and whether to revise the heading prior to § 989.58 to include quality.

4. Whether to amend § 989.59 to add authority to establish different regulations for different markets.

5. Whether to amend § 989.91 to require continuance referenda.

6. Whether to amend the order to remove volume regulation and reserve pool authority. This would include: Removing §§ 989.55 and 989.56, §§ 989.65 through 989.67, §§ 989.71, 989.72, 989.82, 989.154, 989.156, 989.166, 989.167, 989.221, 989.257 and 989.401; revising §§ 989.11, 989.53, 989.54, 989.58, 989.59, 989.60, 989.73, 989.79, 989.80, 989.84, 989.158, 989.173 and 989.210; and redesignating § 989.70 as § 989.96. In addition, whether corresponding changes should be made to the following headings: ''Volume Regulation'' prior to §§ 989.65; ''Volume Regulation'' prior to § 989.166; and ''Subpart—Schedule of Payments'' prior to § 989.401.

7. Whether to amend § 989.28 to establish term limits.

8. Whether any conforming changes need to be made as a result of the above proposed amendments. Conforming changes may also include non-substantive, typographical errors.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

Material Issue Number 1—Production Research

Section 989.53, Research and development, should be amended to provide the Committee with the authority to conduct production research. This authority would only be used by the Committee in the event that the California Raisin Marketing Board (CRMB), which oversees the state marketing program which currently conducts industry research, ceases to exist or is no longer financially able to fund the work.

The CRMB is currently the designated funding source for industry-wide production research, referred to as ''crop production research'' under the state program. According to witnesses, research under the CRMB was suspended approximately three years ago pending the results of ongoing litigation. As a result, important research is not being conducted.

Witnesses were also concerned that the CRMB referendum requirement, which requires the industry to indicate its support for continuance of the program every five years, may cause the CRMB to cease to exist. If that were to occur, there would be no funding program available to the industry unless

the proposed amendment to provide such authority under the order were successful.

Witnesses in support of this amendment stated that a collective effort was necessary in order for the industry to address the ongoing challenges that producers and handlers cannot financially support on their own. Challenges needing production research generally include: Pests, water issues related to drought, new varietal development, and crop production.

Witnesses familiar with immediate research needs of the industry indicated the necessity for: Improved raisin grapes for mechanical harvest, including types resistant to powdery mildew; nematode-resistant rootstocks; early ripening varieties; and control of pests, including vine mealybug. These witnesses also explained that future research could potentially impact producers in a multitude of positive ways, ''such as reduced pesticide usage or possibly safer and more economical products.''

A witness also stated that ''Also, in regards to labor, if a viable new variety were discovered with the potential to be harvested with fewer laborers needed, it would help all producers farm the crop more economically and also keep the price of raisins competitive in the marketplace.''

Witnesses explained that if this proposal were implemented, the transition from CRMB to RAC of oversight of research under the order would not be difficult.

According to the record, many of the CRMB Research Committee board members also serve on the current Raisin Administrative Committee, and they are familiar with the procedures for requests, budgets and implementation of research projects. The RAC would establish a budget for research and the USDA would have oversight. If the assessment rate needed to be increased to cover the costs, a new rate would be recommended by the RAC and submitted to USDA for approval, as well as public comment, prior to implementation.

Representatives of the CRMB testifying at the hearing stated that on April 14, 2016, the CRMB voted and unanimously passed a resolution supporting this proposal. Through testimony and the content of the CRMB resolution, witnesses clearly stated that, in the absence of the CRMB's ability to support research or if the organization ceases to exist, research should be authorized to be conducted under the federal marketing order. If the CRMB is able to conduct research in the future, production research under the order would be not implemented. Therefore, only one or the other organization would be collecting funds and overseeing research at any given time.

No testimony opposing the proposed amendment was given at the hearing. For the reasons stated above, it is recommended that § 989.53 be amended to authorize production research as proposed.

Material Issue Number 2—Independent Producer Nominations

Section 989.29, Initial members and nomination of successor members, and § 989.129, Voting at nominations meetings, should be amended to authorize separate nominations for independent producer member and independent producer alternate member seats.

According to the record, there have been extensive vacancies in the seats allocated to independent producer alternate members on the RAC for the past five two-year terms. Out of the total 15 to 16 independent producer alternate member seats available, there have been 12, 13, 14, 14 and 11 vacancies for the 2006–2008, 2008–2010, 2010–2012, 2012–2014 and 2014–2016 two-year terms, respectively.

While the independent producer member seats have been, for the most part, filled during the same five terms, the lack of independent producer alternate members results in less than full participation of the independent producer community. Alternate member seats allow for representation at a meeting when the member is not able to attend. Similarly, service as an alternate member provides exposure to the workings of the order and training for alternates to be able to serve as full members in future terms.

According to witnesses, full representation would give independent producers full participation in the RAC's administrative decisions and program direction. In an effort to encourage increased participation, the RAC proposes that allowing separate nominations for members and alternate member seats would encourage participation by those who wish to serve in a specific seat only.

Witnesses explained that raisin producers are largely divided into three groups: Members of Sun-Maid, members of the Raisin Bargaining Association (RBA), and independents.

Sun-Maid is a marketing-processing cooperative. Their membership is made up of those producers that have a membership in the organization. Sun-Maid producers typically deliver all of their crop to the cooperative. On some occasions, the cooperative may also buy raisins from independent producers and the RBA. The RBA serves its members by negotiating raisin prices for its members.

Independent producers choose not to be members of either Sun-Maid or the RBA. Independent producers typically sell their product to Sun-Maid or independent packers. However, some independent producers are members of Fresno Co-op, a small marketing cooperative representing one to two percent of the industry.

According to the record, Sun-Maid producer members represent roughly 28 percent of industry production, with the RBA membership representing approximately 26 percent of industry production. The balance, or roughly 46 percent of the industry, is represented by independent producers.

Out of the RAC's 47-seat Committee, 35 seats are allocated to producer representatives, as stipulated in § 989.26 of the order. For the 2014–2016 term, producer representation is allocated such that independent producers represent 16 votes (or roughly 46 percent of the RAC calculated by dividing 16 by 35), Sun-Maid represents 10 votes (roughly 28 percent of the RAC), and the RBA represents 9 votes (roughly 26 percent of the RAC).

Currently, independent producer nominations are held in three districts. Districts One and Two, which represent all counties north and south of Fresno County, respectively, have one member and one alternate each for the 2014–2016 term. The largest district, Fresno County, for the 2014–2016 term, has 13 member and 13 alternate member seats.

According to the record, nominees are identified at district nomination meetings, which are widely advertised by the RAC through direct-mailings, newspaper advertisements, and placement on the program's Web site. Names collected at the nomination meetings are placed on a ballot. An example given by one witness indicated that, for District Three, if 13 seats for independent producer members and 13 seats for independent producer alternate members are available, the RAC would hope to receive at least 26 different nominees to fill all positions.

Ballots are then mailed to all independent producers who vote within their own district according to where their farm is located. When tabulating the votes according to § 989.29(2)(ii), the individual receiving the highest number of votes is designated as the first independent producer member nominee. The producer receiving the second highest number of votes is designated as the second independent producer member nominee. This tabulation process continues until all 13

of the independent producer member seats are nominated. The individual receiving the 14th highest number of votes is designated as an alternate member nominee, with this process being followed until all nominees for all independent producer member and alternate positions have been nominated. In other words, the top 13 who receive the most votes will be nominated to hold a member position, and the remaining would be nominated to hold alternate member positions.

However, witnesses explained that, in most cases, there are too few nominees to fill both independent producer member and independent producer alternate member seats. If 20 names are on the one ballot, with only 13 member seats available, the independent producer would vote for no more than 13 names to fill the 13 member seats. Of the remaining candidates, seven would hold alternate member positions, and six alternate member seats would be left vacant. One witness offered another example of a past nomination meeting where 14 independent producer member seats, along with their corresponding alternate member seats, were available to be filled. A total of five people attended that meeting. Therefore, there were only five individuals willing to fill 28 independent producer seats.

Witnesses speaking to the issue of low independent producer participation speculated that uncertainty over whether one would be nominated as a full member rather than an alternate member was preventing many from agreeing to be candidates. Similarly, there is a reluctance among independent producers to nominate other independent producers with limited time to attend regular RAC meetings. Witnesses indicated that the time commitment for a three- or four-hour meeting once a month as a full member was too big of a commitment for a producer who spends long days tending to his or her ranch. However, those individuals would be more inclined to serve as alternates because the commitment would be on an as-needed basis when required to serve in the place of an absent member.

Witnesses explained that the proposal to allow for separate nomination processes for independent producer member and independent producer alternate members is designed to eliminate the risk of being nominated to a member seat to those individuals interested in serving only as an alternate. Witnesses indicated that this proposal would increase participation of independent producers on the RAC.

According to the record, if the proposed amendment passes, instead of a single ballot for all nominations as is currently done, there would be two separate ballots: one for members and one for alternate members. As is currently the practice, a meeting would be held by the RAC for the purpose of receiving nominations; if the proposed amendment passes, those nominations would be submitted separately for members and alternates.

Ballot mailing and tabulation of results would follow the current practice, described above, with the individual receiving the highest number of independent producer member votes becoming the first independent producer nominee, and so on, until all independent producer member seats are assigned a nominee. The same process would be used for identifying the individuals assigned as nominees to fill the independent producer member alternate seats.

USDA would oversee the nomination process, review background and acceptance statements and ultimately select and appoint the members. The timing of the nominations would not change, and there would be no anticipated additional costs in the administration of the nomination process.

Witnesses explained that this proposal, if implemented, would positively impact the California raisin industry, indicating that it would result in a fuller representation of those impacted by the program. Full representation would give the independent producers the fullest potential of their voice in the RAC decision-making process. Representation of small, independent producer businesses on the RAC could also increase, thereby supporting small business interests.

Additionally, witnesses indicated that increased participation of independent producers serving as alternate producer members could be viewed as a training opportunity for future generations of RAC members. Serving as alternates would allow these individuals to become familiar with the administrative functioning of the order. One witness indicated the desire to nominate individuals who are new to the industry or generational members who are assuming responsibility for their family farm. The witness described these individuals as the future of the industry.

No testimony opposing the proposed amendment was presented at the hearing. For the reasons stated above, it is recommended that § 989.29, Initial members and nomination of successor members, and § 989.129, Voting at nominations meetings, be amended to authorize separate nominations for independent producer member and independent producer alternate member seats as proposed.

Material Issue Number 3—Authority To Regulate Quality

Sections 989.58, 989.59 and 989.61 (''Natural condition raisins,'' ''Regulation of the handling of raisins subsequent to their acquisition by handlers'' and ''Above parity situations,'' respectively) should be amended to regulate quality by inserting the word ''quality'' after the words ''minimum grade'' in each section, respectively. Additionally, the heading prior to § 989.58 should be revised to read ''Grade, Quality, and Condition Standards''. This would add authority to regulate quality under the order.

Currently, §§ 989.58 and 989.59 of the order state that the RAC has authority to regulate grade and condition standards. The attribute ''quality'' is not specifically mentioned. However, current program language indicates the intent to regulate quality by use of that word in several sections of the order. The inclusion of ''quality'' as a regulated attribute would support and further strengthen the current usage of this term in the order and its application in current inspection and order activities.

Witnesses explained that, if implemented, this proposal would clarify the intent of §§ 989.53 (Research and development), 989.54 (Marketing policy), 989.73 (Reports), 989.107 (Inspection certificate), 989.157 through 989.160 (Quality Control), and form FV 146 (Certificate of Quality and Condition), which all refer to the regulation of ''quality'' under the order.

Witnesses explained that the authority to regulate quality would allow them to regulate product attributes that fall outside the traditional scope of ''grade'' and ''condition standards.'' According to the record, current raisin grade and condition standards found in the order correspond to the ''U.S. Standards for Grades of Processed Raisins,'' USDA, December 1, 1978. The attributes regulated under grade and condition standards include, but are not limited to: Characteristics of damaged raisins (sunburn, scars, insect injury, etc.); presence of capstems, sugar crystals, grit, sand, silt, discoloration, moisture, or mold; and signs of immaturity. According to the record, ''quality'' would therefore mean attributes that impact the consumer, supply chain, end user, or the public's demand for the product.

Witnesses also testified about the importance of quality checks on product, specifically residual testing for

herbicides, pesticides or fungicide residues, to ensure the safety of the consumer. As an example, witnesses discussed the need to regulate Ochratoxin, a naturally occurring fungus. A tolerance limit for this fungus is in place for products entering many markets. Witnesses stated that the ability to meet those markets' import requirements are vital to continued trade. By implementing quality regulation under the order, the industry would be certain that this requirement would be equally applied to all handlers of raisins within the U.S. Witnesses also explained that many producers are prohibited from using chemicals and their usage is regulated in the production of raisins, but this authority would allow for product validation or attesting that there are no residual chemicals on incoming or outgoing raisins from the packers.

Furthermore, in the event that the industry desires to implement further regulation to conform to forthcoming FDA guidelines under the Food Safety Modernization Act, those regulations may not fall within the traditional framework of grade and condition standards. Thus, the authority to regulate quality would provide the RAC with the flexibility to meet future regulatory needs of its industry.

Witnesses stated that the anticipated cost impact on the industry as a result of this proposal would be minimal at this time. If approved in referendum by producers, the addition of ''quality'' to the list of attributes that can be regulated under the order would not necessarily result in new, immediate regulation. Any new regulation would need to be developed and vetted as a proposal, approved and recommended by the RAC, published by USDA as a proposed rule, allow for public comment, and receive USDA approval prior to being implemented.

If quality regulation were recommended by the RAC and approved by USDA, such regulation would address quality concerns within the industry. For example, if Ochratoxin were to be regulated, its regulation would benefit the industry by ensuring that raisins with high levels of this toxin were not placed into the market. In addition, foreign markets with low Ochratoxin threshold levels would be assured that California raisins are adequately regulated. This type of regulation would assure customers of the industry's oversight of product quality. As such, witnesses explained that any potential costs of future regulation would be outweighed by the benefits of product quality assurance in the market. Witnesses also explained that California raisins are currently inspected. The addition of another inspection parameter is unlikely to result in significant costs. Witnesses also anticipated that quality regulations could result in increased returns for both producers and handlers as, in some markets, a higher price would be paid for quality-certified product.

No testimony opposing the proposed amendment was given at the hearing. For the reasons stated above, it is recommended that §§ 989.58, 989.59 and 989.61, and the heading preceding § 989.58 should be amended to add quality regulation authority under the order.

Material Issue Number 4—Different Market Regulations

Section 989.59, Regulation of the handling of raisins subsequent to their acquisition by handlers, should be further amended to provide authority to establish different regulations for different markets.

Current order language establishes grade and condition standards for two classifications only: Grade A and Grade B. According to the record, the California raisin industry has customers in as many as 50 different countries. While the consumer bases in these countries vary significantly, the order does not allow for different quality or grade standards to be applied to exports to those markets. This proposed authority would allow the RAC to develop regulation for product that is best suited for a particular market destination.

Witnesses clarified that this proposal would only result in the addition of the authority to establish different regulations for different market destinations under the order. This proposal would not result in new, immediate regulation. If this proposal is implemented, the RAC could make recommendations for different regulations for different market destinations to USDA. Any new regulation would need to be developed and vetted as a proposal, approved and recommended by the RAC, published by USDA as a proposed rule, allow for public comment, and receive USDA approval prior to being implemented.

Witnesses stated that if any market-specific regulations were to be implemented as a result of this authority, the anticipated impact on producers and handlers would not be negative. Different regulations for different market destinations would not prevent product from being sold into the market. Instead, it would match product attributes to the consumer profile and customer demands of each market. In doing so, witnesses anticipate that returns to producers and handlers could increase as consumers would be more likely to pay more for those products.

One witness stated that in the current global market, customers regularly establish their own individual specifications and define their own key attributes of quality. Thus, the authority of the marketing order to be more selective and precise for individual markets would likely enhance demand for California raisins. Witnesses further added that market-specific regulations tailored to market-specific consumers would allow the industry to be more competitive against foreign producers in those markets.

As previously stated, many export markets have unique product specifications in place to meet their consumer tastes and needs of their market. Witnesses explained that many California raisin handlers shipping to those markets are already meeting those product specifications. However, if this proposal were implemented, the RAC could recommend standards for all California raisin handlers shipping to specific export markets, thereby ensuring uniform quality of product and a level playing field for foreign customers who are comparing product services from multiple handlers.

According to the hearing record, the addition of this authority is not intended to address any specific export market at this time. Witnesses stated that the market is currently functioning well, with quality product being shipped to consistently meet foreign customers' product specifications.

According to data submitted at the hearing, the top five export markets for natural seedless raisins in crop year 2014–2015 were Japan, the United Kingdom, Canada, China and Germany. Exports for the 2014–2015 crop year totaled 111,407 packed tons, which is slightly lower than the five-crop-year average of 130,880 packed tons. By comparison, U.S. consumption of natural seedless for the 2014–2015 crop year totaled 180,627 packed tons. Based on these numbers, roughly 40 percent of the California raisin crop is exported (111,407/(180,627+111,407)≈40%). Therefore, as witnesses indicated, the ability to develop specific quality or grade requirements for these export markets would assist in meeting or improving product demand for roughly half of the industry's production.

No testimony opposing the proposed amendment was given at the hearing. For the reasons stated above, it is recommended that § 989.59, Regulation of the handling of raisins subsequent to their acquisition by handlers, should be

further amended to provide authority to establish different regulations for different markets.

Material Issue Number 5—Continuance Referenda

Section 989.91, Suspension or termination, should be amended to require continuance referenda. Currently there is no continuance referendum requirement in the order.

If implemented, this amendment would provide the industry with an opportunity to determine if the order is favored by producers between five to six years after the implementation of the proposal for the initial referendum and every six years thereafter for subsequent referenda. If continuance were favored by at least two-thirds of producers voting in the continuance referendum, or if the volume of those voting represented a two-thirds majority of volume voted in support of continuance, the order would continue. If the vote failed to get two-thirds support by either number of voters or volume, USDA could terminate the program.

Witnesses explained that when the details of this proposal were first developed by the RAC's Rulemaking Workgroup (workgroup), the recommendation was to conduct an initial continuance referendum no sooner than five years after, and no later than six years after, the proposal was implemented. Subsequent referenda were to be conducted every six years thereafter. This recommendation was voted on and accepted by the workgroup, and was then presented to the Administrative Issues Subcommittee and full RAC membership meeting on January 27, 2016.

According to the record, when this recommendation was presented at the January 27, 2016 meeting, a lengthy discussion, including several proposed modifications, ensued. At that meeting, a revision to the proposed continuance referendum requirement was made, resulting in the initial referendum being slated to occur no sooner than two crop years and no later than six crop years of the proposal's implementation. The modified proposal passed with sixteen ''yes'' votes and ten ''no'' votes. Consequently, the modified proposal became the amendatory text included in the Notice of Hearing for this proposed rulemaking.

However, at the close of the January 27, 2016, meeting, and in subsequent RAC discussions, the modified continuance referendum requirement was revisited by individuals raising concerns that two years may not provide sufficient time for the industry to fully adjust to any amendments resulting from this rulemaking action prior to a continuance vote. The RAC met again on April 14, 2016, and voted unanimously to uphold the original recommendation of the workgroup. In other words, the RAC voted to change the timing of the initial referendum requirement from two to six crop years after implementation back to a requirement of holding the initial referendum between five and six crop years after implementation.

As a result of the April 14, 2016, unanimous RAC vote, witnesses testifying on behalf of this amendment proposed a modification to the Notice of Hearing language, requesting that the phrase ''no less than two years and no later than six years'' be reverted to the workgroup's original proposal of ''no less than five years and no more than six years'' after implementation of the amendment. All witnesses testifying in favor of the proposed continuance referendum requirement supported this modification.

As a conforming change, USDA recommends modifying the alternate language proposed by the RAC to change the word ''year'' to ''crop year'', as necessary, to be consistent with previously proposed amendatory language for this change. The RAC proposed modification and the USDA conforming change have been included in the amendatory text of this recommended decision. The requirement for subsequent referenda to be conducted every six crop years thereafter remains unchanged.

In general, witnesses favored the continuance referendum requirement stating that the industry had not undergone an amendatory proceeding of its marketing program since 1989 and, therefore, has not had the opportunity to ascertain producer support since then. If implemented, witnesses stated that the continuance referendum requirement would provide the industry with regular feedback on the success and acceptance of its program's activities.

Furthermore, witnesses stated that this proposal, if implemented, would bring the order in line with the ''Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders,'' (guidelines) issued by the U.S Department of Agriculture on January 25, 1982. These guidelines state that, ''The Secretary believes these referenda are in the public interest. They provide the industry with the means to regularly re-assess the value of marketing orders and keep the Department informed of the wishes of the majority of the industry. Therefore, the Secretary is requiring that periodic referenda be conducted for each order. USDA will work with each committee in development of a time frame appropriate for each order.''

One witness raised concerns over the two-thirds majority requirement, as described above, to determine continuance, suspension or termination. This witness indicated that the two-thirds support requirement may be too large, and that if one-third of the industry were to not favor continuance, the program would fail. This witness indicated that this presented too large of a risk to the program and that a ''discontinuance'' referendum requiring two-thirds in favor of discontinuance would be more favorable.

Witnesses countering this position stated that the two-thirds in favor of continuance requirement is standard across many current marketing orders containing active continuance referendum requirements.

Witnesses also stated that the raisin industry has a history of consensus-building, with RAC votes on recommended actions historically being voted unanimously after extensive internal discussion and deliberations over a proposed course of action. One witness offered that, through the process of debate and compromise, consensus is reached. This witness also indicated that historically, in spite of robust and lengthy debates, the industry has shown an appreciation and value for its marketing order program.

Ultimately, witnesses concurred that the proposal for mandatory continuance referenda had been discussed and debated in the industry and, if implemented with the modified language presented at the hearing, would be a positive compromise encompassing many viewpoints. Witnesses stated that there would be minimal costs associated with implementing this proposal, if approved and implemented. Witnesses further explained that USDA has established procedures for conducting continuance referenda, as these are regularly held in other marketing orders, and that the addition of a continuance referendum every six years will assure that the marketing order is responsive to industry needs and changing circumstances. While it would not directly improve producer returns, witnesses stated that it would indirectly assure that the industry believes the marketing order is operating in their best interest, as the marketing order is funded by the assessments of the industry.

Witnesses further stated that many producers are small businesses, and this proposal will provide another

democratic opportunity to participate in the marketing order.

For the reasons stated above, it is recommended that § 989.91 be amended to require continuance referenda as proposed.

Material Issue Number 6—Volume Regulation Removal

USDA is proposing that all volume regulation and reserve pool authorities, and their related provisions, be removed from the order. As such, the following sections should be removed from the order: §§ 989.55, Regulation by the Secretary; 989.56, Raisin diversion program; 989.65, Free and reserve tonnage; 989.66, Reserve tonnage generally; 989.67, Disposal of reserve raisins; 989.71, Disposition of unsold reserve tonnage in above parity situations; 989.72, Exemption of educational institutions; 989.82, Expenses of reserve raisin operations; 989.154, Marketing policy computations; 989.156, Raisin diversion program; 989.166, Reserve tonnage generally; 989.167, Disposal of reserve raisins; 989.221, Sale and export of reserve raisins by handlers; 989.257, Final free and reserve percentages; and, 989.401 Payments for services performed with respect to reserve tonnage raisins.

In addition, the following headings should be removed: ''Volume Regulation'' prior to § 989.65, ''Free and reserve tonnage.''; ''Volume Regulation'' prior to § 989.166, ''Reserve tonnage generally.'' and, ''Subpart—Schedule of Payments'' prior to § 989.401, ''Payments for services performed with respect to reserve tonnage raisins.''

Also in accordance with this proposal, the following sections should be revised: §§ 989.11 ''Producer,'' which mentions the diversion program; 989.53 ''Research and development,'' to remove research and development projects related to reserve tonnage raisins; 989.54 ''Marketing policy,'' to remove marketing policy trade demand calculations linked to reserve raisins; 989.58 ''Natural condition raisins,'' to remove references to free and tonnage raisins; 989.59 ''Regulation of the handling of raisins subsequent to their acquisition by handler,'' to remove regulation of the handling of reserve raisins subsequent to their acquisition by handlers; 989.60 ''Exemption,'' to remove exemptions for reserve raisins; 989.73 ''Reports,'' to remove reports related to reserve raisins; 989.79 ''Expenses,'' to remove the authority for the RAC to incur expenses related to volume regulation or reserve raisins; 989.80 ''Assessments,'' to remove assessment language involving volume regulations and reserve pool raisins; 989.84 ''Disposition limitation,'' to remove disposition limitations for reserve raisins on handlers; 989.158 ''Natural condition raisins,'' to remove the inclusion of reserve raisins from the natural condition raisin definition and provisions for reconditioning of off-grade reserve raisins; 989.173 ''Reports,'' to remove reporting requirements related to reserve pool raisins and volume regulation; and, 989.210 ''Handling of varietal types of raisins acquired pursuant to a weight dockage system,'' to remove handling regulation of reserve varietal types of raisins acquired using a weight dockage system.

Lastly, § 989.70, ''Storage of raisins held on memorandum receipt and of packer-owned tonnage,'' should be re-designated as § 989.96 as a result of the removal and amendment of the above sections.

According to the record, on June 22, 2015, the United States Supreme Court, in *Horne* v. *USDA,* ruled that the application of the marketing order's reserve pool authority to the Hornes was a taking under the Fifth Amendment to the U.S. Constitution. By a July 16, 2015, letter to the RAC, USDA stated, ''In light of the Horne decision, the U.S. Department of Agriculture has decided not to authorize the reserve program of the federal marketing order for California raisins for the foreseeable future, effective immediately.''

Accordingly, USDA is proposing the removal of the reserve pool authority. In addition, USDA has determined that the reserve pool authority is inextricably connected to the order's volume regulation authority. Furthermore, language for both authorities can be extracted from the order language without disturbing the remaining program functions. Therefore, USDA is proposing that all volume regulation and reserve pool authorities, and all related provisions, be removed from the order.

A USDA witness speaking on behalf of this proposal indicated that the July 16, 2015, letter to the RAC indicated USDA's intention to schedule a formal rulemaking hearing. According to the witness and record evidence, the letter encouraged the RAC ''to consider proposals to amend provisions in the marketing order related to the reserve program.'' During a July 28, 2015, meeting with the RAC, the RAC was again informed of USDA's intention to initiate rulemaking in the spring of 2016, for the purpose of amending the order as described above. Finally, on August 20, 2015, USDA met with the RAC to notify them that the aforementioned hearing would take place in May 2016.

The RAC was provided with a draft of USDA's proposed modifications to the marketing order language that indicated which sections of language would be removed, revised, and re-designated. The RAC was given the opportunity to provide feedback on the proposed modified language. Consequently, some minor adjustments were made based on industry feedback, and the industry indicated its general acceptance of USDA's proposed modifications prior to entering into the pre-hearing ex parte period. These proposed changes are captured in the proposed amendatory text published in this proceeding's Notice of Hearing, as well as in the amendatory text of this recommended decision. Industry witnesses testifying at the hearing indicated general support for USDA's proposed amendatory changes.

One witness speaking on behalf of the industry's largest producer-handler cooperative, indicated that historical data supported the proposal that volume regulation was no longer needed in the order. The witness presented record evidence showing the varying acres of California raisins by variety grapes from 2006 to 2015. As one example, according to the data, in 2006, raisin variety bearing acres was 234,000, and in 2015, it was 190,000, indicating a sharp decline in raisin-producing acreage.

The witness explained that this data supported the theory that the California raisin industry is adjusting to a decreasing or flat demand for the product. The witness stated that, in the future, supply will likely remain in better balance with demand and, therefore, the reserve pool and volume regulation are no longer as relevant as they were in higher production times. To further the point, the witness stated that the order's reserve pool authority has not been utilized since 2010.

No testimony opposing the proposed amendment was given at the hearing. For the reasons stated above, it is recommended that volume regulation and reserve pool authorities in the order be amended as proposed, including: Removing §§ 989.55 and 989.56, §§ 989.65 through 989.67, §§ 989.71, 989.72, 989.82, 989.154, 989.156, 989.166, 989.167, 989.221, 989.257 and 989.401; revising §§ 989.11, 989.53, 989.54, 989.58, 989.59, 989.60, 989.73, 989.79, 989.80, 989.84, 989.158, 989.173 and 989.210; and re-designating § 989.70 as § 989.96.

In addition, the following headings should be removed: ''Volume Regulation'' prior to § 989.65, ''Free and

reserve tonnage.''; ''Volume Regulation'' prior to § 989.166, ''Reserve tonnage generally.''; and ''Subpart—Schedule of Payments'' prior to § 989.401, ''Payments for services performed with respect to reserve tonnage raisins.''

Material Issue Number 7—Term Limits

Section 989.28, Term of office, should be revised to establish a limit on the number of consecutive terms a person may serve as a member of the RAC.

Currently, the term of office of each member and alternate member of the RAC is two years. There are no provisions related to term limits in the marketing order. Members and alternates may serve on the RAC until their respective successors are selected and have been qualified.

The USDA believes that all marketing order programs should include tenure limitations for committee membership. The USDA believes that this provision would increase industry participation on the RAC, provide for more diverse membership, provide the Committee with new perspectives and ideas, and increase the number of individuals in the industry with Committee experience.

At the hearing and as stated in the Notice of Hearing, USDA proposed a period of eight years as an appropriate limit to the number of years a member may serve consecutively. Since the current term of office for members and alternates is two years, USDA is proposing that members serve no more than four consecutive two-year terms, or a total of eight years. Once a member has served on the RAC for four consecutive terms, or eight years, the member could not serve as a member for at least one year before being eligible to serve again.

As originally stated in the Notice of Hearing, USDA's proposal for term limits would have applied to both members and alternate members. However, at the hearing, the USDA witness testifying on behalf of this proposal offered a modification to remove the term limit requirement from alternate member service. The witness clarified that the modification would allow continuity to be maintained through individuals rotating their service between member and alternate member status. The witness stated that the modified language would uphold the intent of the 1982 guidelines as well as meet the needs of the industry for continuity of service. The modified language proposed by USDA would read as follows: ''Committee members may serve up to four consecutive two-year terms of office. In no event shall any member serve more than eight consecutive years on the Committee. For purposes of determining when a representative has served four consecutive terms, the accrual of terms shall begin following any period of at least twelve consecutive months out of office. This limitation on tenure shall not include service on the Committee prior to implementation of this amendment. This limitation on tenure shall not apply to the service of alternate members.'' This language has been incorporated into the regulatory text of this recommended decision.

This proposal falls within the 1982 guidelines and USDA's experience that indicates that a period of eight years is an appropriate period. Eight years is considered long enough for committee members to make meaningful contributions to the administration of a marketing order, but not so long as to exclude others from participation on the committee.

According to evidence submitted at the hearing, term limits are in place in other federal marketing orders and have generally proven to have the intended impact on member participation and diversity. Of the 28 marketing orders currently in effect, 15 have term limits, including 3 out of 6 of the federal marketing orders that are based in California. The California programs requiring term limits include the Almond Board of California, the Administrative Committee for Pistachios, and the Kiwifruit Administrative Committee. Multi-state federal marketing order examples, such as the tart cherry industry administrative board, as well as the Cranberry Marketing Committee, also have term limits.

The witness further explained that term limits, as applicable in other marketing order programs, have been applied in ways that have suited those particular industries. For example, industry members can serve a number of consecutive terms before taking a minimum of a one-year break or a moving to an alternate member position. For those industries, term limits offer an opportunity to groom potential successors, while also retaining seasoned members with important institutional knowledge as alternate members who can continue to advise the board or committee.

The witness offered two specific examples of successful industry application of term limit requirements for the purpose of recruiting new, up-and-coming industry individuals: The California almond and kiwifruit industries.

In order to manage its succession planning for term limits, the Almond Board of California conducts an almond industry leadership program that provides mentorship and education on the almond industry for younger, newer entrants into the industry. The program allows participants to be trained in a diverse range of issues, such as environmental stewardship, food quality and safety, as well as government, trade and leadership development. At the end of the program, participants are offered an opportunity to sit on a subcommittee of the Board for a year, in order to encourage them to pursue leadership roles within the industry and give them exposure to the inner workings of the organization. According to the witness, this experience helps build newcomer interest and expertise, in order to eventually move on to a position on the Almond Board of California Board of Directors.

The witness's second example, the Kiwifruit Administrative Committee, convened an ad hoc diversity subcommittee in 2014 and implemented a diversity plan that resulted in the addition of three new members and three new alternates. The Kiwifruit Administrative Committee, or the KAC, reached out to eight local and highly visible newspapers, including the Appeal Democrat, the Chico Enterprise, the Modesto Bee, the Sacramento Bee, the Fresno Bee, the Porterville Post, the Valley Voice, and the Packer, and placed press releases on its Facebook page as well as the industry Web site and also shared the press releases with seven county Farm Bureau offices to conduct outreach. The outreach was successful in garnering many new members, four of whom are also involved in producing new kiwifruit varieties, which have recently been introduced into the market.

Industry witnesses presented testimony in opposition to this proposal. Although they agreed that increased industry participation in the program is desirable, witnesses stated that the application of term limits could be problematic. Testimony indicated that finding California raisin producers to serve on the RAC, especially independent producers, is challenging. Witnesses noted that there have been times in the past when filling RAC member positions has been difficult and that recruiting new members is not easily done. Moreover, witnesses stated that industry members who currently serve on the RAC bring knowledge and experience to the RAC that would be difficult to replace.

Furthermore, both Sun-Maid and RBA have internal programs that serve to fulfill recruitment and training

opportunities for industry members new to the program's operations. Therefore, according to witnesses, the need for a formalized, industry-wide program was not apparent.

Nonetheless, USDA believes that any additional efforts necessary to find eligible producers and handlers who are willing to serve on the RAC are offset by the benefits derived by broader industry participation in order operations. Therefore, USDA recommends adding this requirement.

For the reasons stated above, it is recommended that § 989.28, Term of office, be amended to include term limits as proposed.

Material Issue Number 8—Conforming Changes

USDA recommends that any changes that may be necessary to the order language to conform to any of the above-proposed amendments, if implemented, should be made. In addition, conforming changes may also include non-substantive, typographical errors.

As such, USDA recommends correcting the following minor inconsistencies and typographical errors found in the current order language that are not substantive in nature. These include: Changing all occurrences of the term ''offgrade'' to ''off-grade''; changing all occurrences of the term ''nonnormal'' to ''non-normal''; and, changing all occurrences of the term ''committee'' to ''Committee.'' These corrections would result in consistent spelling of these terms throughout the order.

In addition, the words ''Processed Products Standardization and Inspection Branch'' in §§ 989.58(d) and 989.59(d) should be changed to ''Specialty Crops Inspection Division.'' Similarly, ''Processed Products Branch, Fruit and Vegetable Division'' in § 989.102 should be changed to ''Specialty Crops Inspection Division.'' These corrections would reflect the official name change of the AMS's inspection service office for fruit, vegetables and specialty crops.

Executive Orders 12866 and 13771, and Regulatory Flexibility Act

This rule does not meet the definition of a significant regulatory action contained in section 3(f) of Executive Order 12866, and is not subject to review by the Office of Management and Budget (OMB). Additionally, because this rule does not meet the definition of a significant regulatory action it does not trigger the requirements contained in 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).

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), AMS has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be unduly or disproportionately burdened. Marketing orders and amendments thereto are unique in that they are normally brought about through group action of essentially small entities for their own benefit.

According to the hearing transcript, there are approximately 3,000 raisin producers in California. According to National Agricultural Statistics Service data presented at the hearing, the total value of production of raisins in the 2014/15 crop year is $598,052,000. Taking the total value of production for raisins and dividing it by the total number of raisin producers provides an average return per producer of $199,950.67. A small producer as defined by the Small Business Administration (SBA) (13 CFR 121.201) is one that grosses less than $750,000 annually. Therefore, a majority of raisin producers are considered small entities under SBA's standards.

According to the industry, there were 23 handlers for the 2015/16 crop year. A small agricultural service firm as defined by the SBA is one that grosses less than $7,500,000 annually. Based on Committee data, 13 handlers would be considered small entities under SBA's standards. Slightly more than half of the industry's handlers are considered small entities under SBA's standards.

The production area regulated under the order covers the state of California. Acreage devoted to raisin production in the regulated area has declined in recent years. According to data presented at the hearing, bearing acreage for raisins reached a high of 280,000 acres during the 2000/01 crop year. Since then, bearing acreage for raisins has decreased 32 percent to 190,000 in 2014/15. As a result, the total production of raisins reached a high during the 2000/01 crop year of 484,500 tons (dried basis). Since the 2000/01 crop year, total production for raisins has decreased 32 percent to 328,600 tons in 2014/15.

During the hearing held May 3 and 4, 2016, interested persons were invited to present evidence at the hearing on the probable regulatory and informational impact of the proposed amendments to the order on small businesses. The evidence presented at the hearing shows that none of the proposed amendments would have any burdensome effects or a significant economic impact on a substantial number of small agricultural producers or firms.

Material Issue Number 1—Authorize Production Research

The proposal described in Material Issue 1 would amend § 989.53 to authorize production research.

Currently, the California Raisin Marketing Board (CRMB) is the funding source for production research for the California raisin industry. Three years ago, payments of assessments to the CRMB were suspended due to the results of litigation. Without funding the CRMB has been unable to conduct any new production research projects. If amended, this proposal would authorize the RAC to conduct production research without having to rely on the CRMB.

Witnesses supported this proposal and stated that future research could potentially impact producers in many ways, such as reducing pesticide usage or the development of new varieties that are less labor intensive. Production research would provide the raisin industry the ability to meet the needs of the ever changing domestic and international markets. According to a witness's testimony, the benefits of the proposed amendment would outweigh any costs.

For the reasons described above, it is determined that the proposed amendment would benefit industry participants and improve administration of the order. The costs of implementing this proposal would be minimal, if any.

Material Issue Number 2—Authorize Separate Nominations for Independent Producer Member and Independent Producer Alternate Member Seats

The proposal described in Material Issue 2 would amend §§ 989.29 and 989.129 to authorize separate nominations for independent producer members and independent producer alternate member seats.

Currently, the RAC has difficulty filling Committee seats designated for independent producer members and independent producer alternative members. Independent producer alternative member seats have gone unfilled for several consecutive years.

According to witnesses' testimony, the purpose of the proposal is to increase the participation of independent producers willing to participate on the Committee. Full participation would give the independent producers their represented voice on RAC decisions.

In conclusion, it is determined that the benefits of increased Committee participation by independent producers would outweigh any costs associated with the implementation of the proposed amendment.

Material Issue Number 3—Add Authority To Regulate Quality

The proposal described in Material Issue 3 would amend §§ 989.58, 989.59 and 989.61 to add authority to regulate quality. A corresponding change would also revise the heading prior to § 989.58 to include quality.

Currently, §§ 989.58 and 989.59 of the order state that the Committee has the authority to recommend grade and condition standards regulation under the order. The attribute ''quality'' is not specifically mentioned. The proposed amendment would add language to include ''quality'' as an attribute that can be regulated under the order.

According to a witness, the proposed amendment would give the Committee flexibility to ensure consumer safety by setting quality standards for residue levels for herbicides, pesticides or fungicides. The quality standards would be equally applied to all handlers of raisins within the U.S.; some handlers are already testing for certain types of fungicides so the increased costs would be minimal.

It is determined that the additional costs incurred to regulate quality would be greatly outweighed by the increased flexibility for the industry to respond to changing quality regulations, increased consumer safety, and other benefits gained from implementing this proposal.

Material Issue Number 4—Add Authority To Establish Different Regulations for Different Markets

The proposal described in Material Issue 4 would amend § 989.59 to add authority to establish different regulations for different markets.

The order does not currently allow for different quality or grade standards to be applied to different foreign markets. The language in the order only has two classifications for grade and condition standards, Grade A or Grade B. The current grade and condition standards are consistent across all markets.

The proposed amendment would give the Committee the authority to develop regulations for individual foreign markets that would be best suited for that specific destination. This proposal would give the industry flexibility to tailor product attributes to meet the foreign consumer profile and the customer demands for each individual market.

For the reasons described above, it is determined that any additional costs incurred for this proposal would be outweighed by the increased flexibility for the industry to respond to a changing global marketplace.

Material Issue Number 5—Continuance Referenda

The proposal described in Material Issue 5 would amend § 989.91 to require continuance referenda.

The proposed amendment would require the USDA to conduct a continuance referenda between year five and year six for the first referendum and every six years thereafter to assure that the order is responsive to industry needs and changing circumstances. A witness testified that a continuance referenda is the best tool for assuring that the order remains responsive to the needs of the industry. While a continuance referenda will not directly improve producer returns, it will indirectly assure that the industry believes that the order is operating in the producer's best interest.

For these reasons, it is determined that the benefits of conducting a continuance referenda would outweigh the potential costs of implementing this proposal.

Material Issue Number 6—Remove Volume Regulations and Reserve Pool Authority

The proposal described in Material Issue 6 would amend the order to remove volume regulation and reserve pool authority. This would include: Removing §§ 989.55 and 989.56, §§ 989.65 through 989.67, §§ 989.71, 989.72, 989.82, 989.154, 989.156, 989.166, 989.167, 989.221, 989.257, and 989.401; revising §§ 989.11, 989.53, 989.54, 989.58, 989.59, 989.60, 989.73, 989.79, 989.80, 989.84, 989.158, 989.173, and 989.210; and redesignating § 989.70 as § 989.96. Corresponding changes would also remove the following headings: ''Volume Regulation'' prior to § 989.65; ''Volume Regulation'' prior to § 989.166; and, ''Subpart-Schedule of Payments'' prior to § 989.401.

The proposed amendment would remove all authority for the RAC to establish volume restrictions and a reserve pool. On June 22, 2015, the United States Supreme Court, in *Horne* v. *USDA*, ruled that the application of the marketing order's reserve pool authority to the Hornes was a taking under the Fifth Amendment to the U.S. Constitution. By a July 16, 2015 letter to the Raisin Administrative Committee, USDA stated, ''In light of the Horne decision, the U.S. Department of Agriculture has decided not to authorize the reserve program of the federal marketing order for California raisins for the foreseeable future, effective immediately.''

One witness explained that bearing acres have declined the past ten years that supports the theory that the California raisin industry is adjusting to a decreasing or flat demand for the product. The witness stated that, in the future, supply will likely remain in better balance with demand and, therefore, the reserve pool and volume regulation are no longer as relevant as they were in higher production times. To further the point, the witness stated that the order's reserve pool authority has not been utilized since 2010.

The proposal would be a relaxation of regulations, for this reason, it is determined that no significant impact on small business entities is anticipated from this proposed change.

Material Issue Number 7—Establish Term Limits

The proposal described in Material Issue 7 would amend § 989.28 to establish term limits.

The proposed amendment would establish term limits of up to four consecutive two-year terms for members only, not alternate members. If implemented, in no event would any member serve more than eight consecutive years on the Committee. The proposal for term limits would conform the order to other existing programs. USDA strives to maintain continuity in the service of its members.

According to a witness's testimony, term limits in other marketing orders have generally proven to have the intended impact of increased participation and diversity. For these reasons, it is determined that the benefits of the proposal would outweigh the potential costs of implementation.

The costs attributed to these proposed changes are minimal; therefore, there will not be a significant impact on a substantial number of small entities.

USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule. These amendments are intended to improve the operation and administration of the order and to assist in the marketing of California raisins.

RAC meetings regarding these proposals, as well as the hearing date and location, were widely publicized throughout the California raisin industry, and all interested persons were invited to attend the meetings and the hearing to participate in RAC deliberations on all issues. All RAC meetings and the hearing were public

forums, and all entities, both large and small, were able to express views on these issues. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Paperwork Reduction Act

Current information collection requirements for Part 989 are approved by OMB, under OMB Number 0581–0189—''Generic OMB Fruit Crops.'' No changes are anticipated in these requirements as a result of this proceeding. Should any such changes become necessary, they would be submitted to OMB for approval.

As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

Civil Justice Reform

The amendments to the order proposed herein have been reviewed under Executive Order 12988, Civil Justice Reform. They are not intended to have retroactive effect. If adopted, the proposed amendments would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this proposal.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed no later than 20 days after the date of entry of the ruling.

Rulings on Briefs of Interested Persons

Briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth in this recommended decision. To the extent that the suggested findings and conclusions filed by interested persons are inconsistent with the findings and conclusions of this recommended decision, the requests to make such findings or to reach such conclusions are denied.

General Findings

The findings hereinafter set forth are supplementary to the findings and determinations which were previously made in connection with the issuance of the marketing agreement and order; and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(1) The marketing order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, would tend to effectuate the declared policy of the Act;

(2) The marketing order, as amended, and as hereby proposed to be further amended, regulates the handling of raisins grown in the production area (California) in the same manner as, and is applicable only to, persons in the respective classes of commercial and industrial activity specified in the marketing order upon which a hearing has been held;

(3) The marketing order, as amended, and as hereby proposed to be further amended, is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

(4) The marketing order, as amended, and as hereby proposed to be further amended, prescribes, insofar as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of raisins grown in the production area; and

(5) All handling of raisins grown in the production area as defined in the marketing order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

A 30-day comment period is provided to allow interested persons to respond to this proposal. Thirty days is deemed appropriate because these proposed changes have already been widely publicized, and the Committee and industry would like to avail themselves of the opportunity to implement the changes as soon as possible. All written exceptions received within the comment period will be considered, and a producer referendum will be conducted before any of these proposals are implemented.

List of Subjects in 7 CFR Part 989

Raisins, Marketing agreements, Reporting and recordkeeping requirements.

Recommended Further Amendment of the Marketing Order

For the reasons set out in the preamble, 7 CFR part 989 is proposed to be amended as follows:

PART 989—RAISINS PRODUCED BY GRAPES GROWN IN CALIFORNIA

■ 1. The authority citation for 7 CFR part 989 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 989.11 is revised to read as follows:

§ 989.11 Producer.

Producer means any person engaged in a proprietary capacity in the production of grapes which are sun-dried or dehydrated by artificial means until they become raisins.

■ 3. In § 989.28:

■ a. Redesignate the introductory text as paragraph (a);

■ b. Revise newly redesignated paragraph (a); and

■ c. Add paragraph (b).

The revisions and addition read as follows:

§ 989.28 Term of office.

(a) The term of office of all representatives serving on the Committee shall be for two years and shall end on April 30 of even numbered calendar years; *Provided,* That each such member and alternate member shall continue to serve until their successor is selected and has qualified.

(b) Representatives may serve up to four consecutive, two-year terms of office. In no event shall any representative serve more than eight consecutive years on the Committee. For purposes of determining when a representative has served four consecutive terms, the accrual of terms shall begin following any period of at least twelve consecutive months out of office. This limitation on tenure shall not include service on the Committee prior to implementation of this amendment. This limitation on tenure shall not apply to the service of alternate members.

■ 4. In § 989.29:

■ a. Revise paragraph (b)(2)(ii);
■ b. Redesignate paragraph (b)(2)(iii) as paragraph (b)(2)(iv);
■ c. Add a new paragraph (b)(2)(iii); and
■ d. Revise newly redesignated paragraph (b)(2)(iv).

The revisions and addition read as follows:

§ 989.29 Initial members and nomination of successor members.

* * * * *

(b) * * *

(2) * * *

(i) * * *

(ii) Each such producer whose name is offered in nomination for producer member positions to represent on the committee independent producers or producers who are affiliated with cooperative marketing association(s) handling less than 10 percent of the total raisin acquisitions during the preceding crop year shall be given the opportunity to provide the committee a short statement outlining qualifications and desire to serve if selected. Similarly, each such producer whose name is offered in nomination for producer alternate member positions to represent on the committee independent producers or producers who are affiliated with cooperative marketing association(s) handling less than 10 percent of the total raisin acquisitions during the preceding crop year shall be given the opportunity to provide the committee a short statement outlining qualifications and desire to serve if selected. These brief statements, together with a ballot and voting instructions, shall be mailed to all independent producers and producers who are affiliated with cooperative marketing associations handling less than 10 percent of the total raisin acquisitions during the preceding crop year of record with the committee in each district. The producer member candidate receiving the highest number of votes shall be designated as the first member nominee, the second highest shall be designated as the second member nominee until nominees for all producer member positions have been filled. Similarly, the producer alternate member candidate receiving the highest number of votes shall be designated as the first alternate member nominee, the second highest shall be designated as the second alternate member nominee until nominees for all member positions have been filled.

(iii) In the event that there are more producer member nominees than positions to be filled and not enough producer alternate member nominees to fill all positions, producer member nominees not nominated for a member seat may be nominated to fill vacant alternate member seats. Member seat nominees shall indicate, prior to the nomination vote, whether they are willing to accept nomination for an alternate seat in the event they are not nominated for a member seat and there are vacant alternate member seats. Member seat nominees that do not indicate willingness to be considered for vacant alternate member seats shall not be considered.

(iv) Each independent producer or producer affiliated with cooperative marketing association(s) handling less than 10 percent of the total raisin acquisitions during the preceding crop year shall cast only one vote with respect to each position for which nominations are to be made. Write-in candidates shall be accepted. The person receiving the most votes with respect to each position to be filled, in accordance with paragraph (b)(2)(ii) and (iii) of this section, shall be the person to be certified to the Secretary as the nominee. The committee may, subject to the approval of the Secretary, establish rules and regulations to effectuate this section

* * * * *

■ 5. In § 989.53(a), revise the introductory text and remove the text that follows paragraph (a)(5) to read as follows:

§ 989.53 Research and development.

(a) *General.* The Committee, with the approval of the Secretary, may establish or provide for the establishment of projects involving production research, market research and development, marketing promotion including paid advertising, designed to assist, improve, or promote the production, marketing, distribution, and consumption of raisins in domestic and foreign markets. These projects may include, but need not be limited to those designed to:

* * * * *

■ 6. In § 989.54:
■ a. Remove paragraphs (a) through (d) and (g);
■ b. Remove paragraph (e)(4);
■ c. Redesignate paragraphs (e)(5) through (e)(10) as (e)(4) through (e)(9), respectively;
■ d. Redesignate paragraphs (e), (f), and (h) as paragraphs (a), (b), and (c), respectively; and
■ e. Revise newly redesignated paragraphs (a) introductory text, (a)(1), (a)(4), (a)(5) and (c).

The revisions read as follows:

§ 989.54 Marketing policy.

(a) Each crop year, the Committee shall prepare and submit to the Secretary a report setting forth its recommended marketing policy, including quality regulations for the pending crop. In developing the marketing policy, the Committee may give consideration to the production, harvesting, processing, and storage conditions of that crop, as well as the following factors:

(1) The estimated tonnage held by producers and handlers at the beginning of the crop year;

* * * * *

(4) An estimated desirable carryout at the end of the crop year;

(5) The estimated market demand for raisins, considering the estimated world raisin supply and demand situation;

* * * * *

(c) *Publicity.* The Committee shall promptly give reasonable publicity to producers, dehydrators, handlers, and the cooperative bargaining association(s) of each meeting to consider a marketing policy or any modification thereof, and each such meeting shall be open to them. Similar publicity shall be given to producers, dehydrators, handlers, and the cooperative bargaining association(s) of each marketing policy report or modification thereof, filed with the Secretary and of the Secretary's action thereon. Copies of all marketing policy reports shall be maintained in the office of the Committee, where they shall be made available for examination by any producer, dehydrator, handler, or cooperative bargaining association representative. The Committee shall notify handlers, dehydrators and the cooperative bargaining association(s), and give reasonable publicity to producers of its computation.

■ 7. Sections 989.55 and 989.56 are removed.

■ 8. The heading prior to § 989.58 ''Grade and Condition Standards'' is revised to read as follows: ''GRADE, QUALITY, AND CONDITION STANDARDS''.

■ 9. In § 989.58, revise paragraphs (a), (b), (d)(1), (e)(1), and (e)(4) to read as follows:

§ 989.58 Natural condition raisins.

(a) *Regulation.* No handler shall acquire or receive natural condition raisins which fail to meet such minimum grade, quality, and condition standards as the committee may establish, with the approval of the Secretary, in applicable rules and regulations: *Provided,* That a handler may receive raisins for inspection, may receive off-grade raisins for reconditioning and may receive or acquire off-grade raisins for use in eligible non-normal outlets: *And provided further,* That a handler may

acquire natural condition raisins which exceed the tolerance established for maturity under a weight dockage system established pursuant to rules and regulations recommended by the committee and approved by the Secretary. Nothing contained in this paragraph shall apply to the acquisition or receipt of natural condition raisins of a particular varietal type for which minimum grade, quality, and condition standards are not applicable or then in effect pursuant to this part.

(b) *Changes in minimum grade, quality, and condition standards for natural condition raisins.* The committee may recommend to the Secretary changes in the minimum grade, quality, and condition standards for natural condition raisins of any varietal type and may recommend to the Secretary that minimum grade, quality, and condition standards for any varietal type be added to or deleted. The committee shall submit with its recommendation all data and information upon which it acted in making its recommendation, and such other information as the Secretary may request. The Secretary shall approve any such change if he finds, upon the basis of data submitted to him by the committee or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act.

* * * * *

(d) * * *

(1) Each handler shall cause an inspection and certification to be made of all natural condition raisins acquired or received by him, except with respect to:

(i) An interplant or interhandler transfer of offgrade raisins as described in paragraph (e)(2) of this section, unless such inspection and certification are required by rules and procedures made effective pursuant to this amended subpart;

(ii) An interplant or interhandler transfer of standard raisins as described in § 989.59(e);

(iii) Raisins received from a dehydrator which have been previously inspected pursuant to paragraph (d)(2) of this section;

(iv) Any raisins for which minimum grade, quality, and condition standards are not then in effect;

(v) Raisins received from a cooperative bargaining association which have been inspected and are in compliance with requirements established pursuant to paragraph (d)(3) of this section; and

(vi) Any raisins, if permitted in accordance with such rules and procedures as the committee may establish with the approval of the Secretary, acquired or received for disposition in eligible non-normal outlets. Except as otherwise provided in this section, prior to blending raisins, acquiring raisins, storing raisins, reconditioning raisins, or acquiring raisins which have been reconditioned, each handler shall obtain an inspection certification showing whether or not the raisins meet the applicable grade, quality, and condition standards: *Provided,* That the initial inspection for infestation shall not be required if the raisins are fumigated in accordance with such rules and procedures as the committee shall establish with the approval of the Secretary. The handler shall submit or cause to be submitted to the committee a copy of such certification, together with such other documents or records as the committee may require. Such certification shall be issued by inspectors of the Processed Products Standardization and Inspection Branch of the U.S. Department of Agriculture, unless the committee determines, and the Secretary concurs in such determination, that inspection by another agency would improve the administration of this amended subpart. The committee may require that raisins held on memorandum receipt be re-inspected and certified as a condition for their acquisition by a handler.

* * * * *

(e) * * *

(1) Any natural condition raisins tendered to a handler which fail to meet the applicable minimum grade, quality, and condition standards may:

(i) Be received or acquired by the handler for disposition, without further inspection, in eligible non-normal outlets;

(ii) Be returned unstemmed to the person tendering the raisins; or

(iii) Be received by the handler for reconditioning. Off-grade raisins received by a handler under any one of the three described categories may be changed to any other of the categories under such rules and procedures as the committee, with the approval of the Secretary, shall establish. No handler shall ship or otherwise dispose of off-grade raisins which he does not return to the tenderer, transfer to another handler as provided in paragraph (e)(2) of this section, or recondition so that they at least meet the minimum standards prescribed in or pursuant to this amended subpart, except into eligible non-normal outlets.

* * * * *

(4) If the handler is to acquire the raisins after they are reconditioned, his obligation with respect to such raisins shall be based on the weight of the raisins (if stemmed, adjusted to natural condition weight) after they have been reconditioned.

* * * * *

■ 10. In § 989.59, revise paragraphs (a), (b), (d), (e), and (g) to read as follows:

§ 989.59 Regulation of the handling of raisins subsequent to their acquisition by handlers.

(a) *Regulation.* Unless otherwise provided in this part, no handler shall:

(1) Ship or otherwise make final disposition of natural condition raisins unless they at least meet the effective and applicable minimum grade, quality, and condition standards for natural condition raisins; or

(2) Ship or otherwise make final disposition of packed raisins unless they at least meet such minimum grade quality, and condition standards established by the committee, with the approval of the Secretary, in applicable rules and regulations or as later changed or prescribed pursuant to the provisions of paragraph (b) of this section: *Provided,* That nothing contained in this paragraph shall prohibit the shipment or final disposition of any raisins of a particular varietal type for which minimum standards are not applicable or then in effect pursuant to this part. *And provided further,* That a handler may grind raisins, which do not meet the minimum grade, quality, and condition standards for packed raisins because of mechanical damage or sugaring, into a raisin paste. The Committee may establish, with approval of the Secretary, different grade, quality, and condition regulations for different markets.

(b) The committee may recommend changes in the minimum grade, quality, or condition standards for packed raisins of any varietal type and may recommend to the Secretary that minimum grade, quality, or condition standards for any varietal type be added or deleted. The committee shall submit with its recommendation all data and information upon which it acted in making its recommendation, and such other information as the Secretary may request. The Secretary shall approve any such change if he finds, upon the basis of data submitted to him by the committee or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act.

* * * * *

(d) *Inspection and certification.* Unless otherwise provided in this

section, each handler shall, at his own expense, before shipping or otherwise making final disposition of raisins, cause and inspection to be made of such raisins to determine whether they meet the then applicable minimum grade, quality, and condition standards for natural condition raisins or the then applicable minimum standards for packed raisins. Such handler shall obtain a certificate that such raisins meet the aforementioned applicable minimum standards and shall submit or cause to be submitted to the committee a copy of such certificate together with such other documents or records as the committee may require. The certificate shall be issued by the Processed Products Standardization and Inspection Branch of the United States Department of Agriculture, unless the committee determines, and the Secretary concurs in such determination, that inspection by another agency will improve the administration of this amended subpart. Any certificate issued pursuant to this paragraph shall be valid only for such period of time as the committee may specify, with the approval of the Secretary, in appropriate rules and regulations.

(e) *Inter-plant and inter-handler transfers.* Any handler may transfer from his plant to his own or another handler's plant within the State of California any raisins without having had such raisins inspected as provided in paragraph (d) of this section. The transferring handler shall transmit promptly to the committee a report of such transfer, except that transfers between plants owned or operated by the same handler need not be reported. Before shipping or otherwise making final disposition of such raisins, the receiving handler shall comply with the requirements of this section.

* * * * *

(g) *Exemption of experimental and specialty packs.* The committee may establish, with the approval of the Secretary, rules and procedures providing for the exemption of raisins in experimental and specialty packs from one or more of the requirements of the minimum grade, quality, or condition standards of this section, together with the inspection and certification requirements if applicable.

■ 11. Section 989.60(a) is revised to read as follows:

§ 989.60 Exemption.

(a) Notwithstanding any other provisions of this amended subpart, the committee may establish, with the approval of the Secretary, such rules and procedures as may be necessary to permit the acquisition and disposition of any off-grade raisins, free from any or all regulations, for uses in non-normal outlets.

* * * * *

■ 12. Section 989.61 is revised to read as follows:

§ 989.61 Above parity situations.

The provisions of this part relating to minimum grade, quality, and condition standards and inspection requirements, within the meaning of section 2(3) of the act, and any other provisions pertaining to the administration and enforcement of the order, shall continue in effect irrespective of whether the estimated season average price to producers for raisins is in excess of the parity level specified in section 2(1) of the act.

■ 13. The heading ''**VOLUME REGULATION**'' prior to § 989.65 is removed.

■ 14. Sections 989.65, 989.66, and 989.67 are removed.

■ 15. Redesignate § 989.70 as § 989.96.

■ 16. Sections 989.71, and 989.72 are removed.

■ 17. Section 989.73 (b) is revised to read as follows:

§ 989.73 Reports.

* * * * *

(b) *Acquisition reports.* Each handler shall submit to the committee in accordance with such rules and procedures as are prescribed by the committee, with the approval of the Secretary, certified reports, for such periods as the committee may require, with respect to his acquisitions of each varietal type of raisins during the particular period covered by such report, which report shall include, but not be limited to:

(1) The total quantity of standard raisins acquired;

(2) The total quantity of off-grade raisins acquired pursuant to § 989.58(e)(1)(i); and

(3) Cumulative totals of such acquisitions from the beginning of the then current crop year to and including the end of the period for which the report is made. Upon written application made to the committee, a handler may be relieved of submitting such reports after completing his packing operations for the season. Upon request of the committee, each handler shall furnish to the committee, in such manner and at such times as it may require, the name and address of each person from whom he acquired raisins and the quantity of each varietal type of raisins acquired from each such person.

* * * * *

■ 18. Section 989.79 is revised to read as follows:

§ 989.79 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each crop year, for the maintenance and functioning of the committee and for such purposes as he may, pursuant to this subpart, determine to be appropriate. The funds to cover such expenses shall be obtained levying assessments as provided in § 989.80. The committee shall file with the Secretary for each crop year a proposed budget of these expenses and a proposal as to the assessment rate to be fixed pursuant to § 989.80, together with a report thereon. Such filing shall be not later than October 5 of the crop year, but this date may be extended by the committee not more than 5 days if warranted by a late crop.

■ 19. In § 989.80, revise paragraphs (a) through (c) to read as follows:

§ 989.80 Assessments.

(a) Each handler shall pay to the committee, upon demand, his pro rata share of the expenses which the Secretary finds will be incurred, as aforesaid, by the committee during each crop year less any amounts credited pursuant to § 989.53. Such handler's pro rata share of such expenses shall be equal to the ratio between the total raisin tonnage acquired by such handler during the applicable crop year and the total raisin tonnage acquired by all handlers during the same crop year.

(b) Each handler who reconditions off-grade raisins but does not acquire the standard raisins recovered therefrom shall, with respect to his assessable portion of all such standard raisins, pay to the committee, upon demand, his pro rata share of the expenses which the Secretary finds will be incurred by the committee each crop year. Such handler's pro rata share of such expenses shall be equal to the ratio between the handler's assessable portion (which shall be a quantity equal to such handler's standard raisins which are acquired by some other handler or handlers) during the applicable crop year and the total raisin tonnage acquired by all handlers.

(c) The Secretary shall fix the rate of assessment to be paid by all handlers on the basis of a specified rate per ton. At any time during or after a crop year, the Secretary may increase the rate of assessment to obtain sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Each handler shall pay such additional assessment to the committee upon demand. In order to provide funds to carry out the functions of the committee, the committee may accept

advance payments from any handler to be credited toward such assessments as may be levied pursuant to this section against such handler during the crop year. The payment of assessments for the maintenance and functioning of the committee, and for such purposes as the Secretary may pursuant to this subpart determine to be appropriate, may be required under this part throughout the period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative.

* * * * *

■ 20. Section 989.82 is removed.

■ 21. Section 989.84 is revised to read as follows:

§ 989.84 Disposition limitation.

No handler shall dispose of standard raisins, off-grade raisins, or other failing raisins, except in accordance with the provisions of this subpart or pursuant to regulations issued by the committee.

■ 22. In § 989.91:

■ a. Redesignate paragraphs (c) and (d) as paragraphs (d) and (e), respectively, and;

■ b. Add a new paragraph (c).

The revisions and addition read as follows:

§ 989.91 Suspension or termination.

* * * * *

(c) No less than five crop years and no later than six crop years after the effective date of this amendment, the Secretary shall conduct a referendum to ascertain whether continuance of this part is favored by producers. Subsequent referenda to ascertain continuance shall be conducted every six crop years thereafter. The Secretary may terminate the provisions of this part at the end of any crop year in which the Secretary has found that continuance of this part is not favored by a two-thirds majority of voting producers, or a two-thirds majority of volume represented thereby, who, during a representative period determined by the Secretary, have been engaged in the production for market of grapes used in the production of raisins in the State of California. Such termination shall be announced on or before the end of the crop year.

* * * * *

■ 23. Section 989.129 is revised to read as follows:

§ 989.129 Voting at nomination meetings.

Any person (defined in § 989.3 as an individual, partnership, corporation, association, or any other business unit) who is engaged, in a proprietary capacity, in the production of grapes which are sun-dried or dehydrated by artificial means to produce raisins and who qualifies under the provisions of § 989.29(b)(2) shall be eligible to cast one ballot for a nominee for each producer member position and one ballot for a nominee for each producer alternate member position on the committee which is to be filled for his district. Such person must be the one who or which: (a) Owns and farms land resulting in his or its ownership of such grapes produced thereon; (b) rents and farms land, resulting in his or its ownership of all or a portion of such grapes produced thereon; or (c) owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of such grapes or the raisins. In this connection, a partnership shall be deemed to include two or more persons (including a husband and wife) with respect to land the title to which, or leasehold interest in which, is vested in them as tenants in common, joint tenants, or under community property laws, as community property. In a landlord-tenant relationship, wherein each of the parties is a producer, each such producer shall be entitled to one vote for a nominee for each producer member position and one vote for each producer alternate member position. Hence, where two persons operate land as landlord and tenant on a share-crop basis, each person is entitled to one vote for each such position to be filled. Where land is leased on a cash rental basis, only the person who is the tenant or cash renter (producer) is entitled to vote. A partnership or corporation, when eligible, is entitled to cast only one vote for a nominee for each producer position to be filled in its district.

■ 24. Sections 989.154 and 989.156 are removed.

■ 25. Section 989.158(c)(4)(i) is revised to read as follows:

§ 989.158 Natural condition raisins.

* * * * *

(c) * * *

(4) * * *

(i) The handler shall notify the inspection service at least one business day in advance of the time such handler plans to begin reconditioning each lot of raisins, unless a shorter period is acceptable to the inspection service. Such notification shall be provided verbally or by other means of communication, including email. Natural condition raisins which have been reconditioned shall continue to be considered natural condition raisins for purposes of reinspection (inspection pursuant to § 989.58(d)) after such reconditioning has been completed, if no water or moisture has been added; otherwise, such raisins shall be considered as packed raisins. The weight of the raisins reconditioned successfully shall be determined by reweighing, except where a lot, before reconditioning, failed due to excess moisture only. The weight of such raisins resulting from reconditioning a lot failing account excess moisture may be determined by deducting 1.2 percent of the weight for each percent of moisture in excess of the allowable tolerance. When necessary due to the presence of sand, as determined by the inspection service, the requirement for deducting sand tare and the manner of its determination, as prescribed in paragraph (a)(1) of this section, shall apply in computing the net weight of any such successfully reconditioned natural condition raisins. The weight of the reconditioned raisins acquired as packed raisins shall be adjusted to natural condition weight by the use of factors applicable to the various degrees of processing accomplished. The applicable factor shall be that selected by the inspector of the reconditioned raisins from among factors established by the Committee with the approval of the Secretary.

* * * * *

■ 26. The heading ''Volume Regulation'' prior to § 989.166 is removed.

■ 27. Sections 989.166 and 989.167 are removed.

■ 28. In § 989.173:

■ a. Revise paragraphs (a) and (b)(2)(i),

■ b. Remove paragraphs (b)(2)(ii), (f), and (g)(1)(ii);

■ c. Redesignate paragraphs (b)(2)(iii), (g) and (g)(1)(iii) as paragraphs (b)(2)(ii), (f) and (f)(1)(ii), respectively; and

■ d. Revise newly redesignated paragraph (b)(2)(ii), paragraph (c)(1), (d)(1), (d)(1)(v), and newly redesignated paragraph (f).

The revisions read as follows:

§ 989.173 Reports.

(a) *Inventory reports.* Each handler shall submit to the Committee as of the close of business on July 31 of each crop year, and not later than the following August 6, an inventory report which shall show, with respect to each varietal type of raisins held by such handler, the quantity of off-grade raisins segregated as to those for reconditioning and those for disposition as such. *Provided,* That, for the Other Seedless varietal type, handlers shall report the information required in this paragraph separately for the different types of Other Seedless raisins. Upon request by the Committee, each handler shall file at other times, and as of other dates, any of the said information which may reasonably be

necessary and which the Committee shall specify in its request.

(b) * * *

(2) * * *

(i) The total net weight of the standard raisins acquired during the reporting period; and

(ii) The cumulative totals of such acquisitions from the beginning of the then current crop year.

* * * * *

(c) * * *

(1) Each month each handler who is not a processor shall furnish to the Committee, on an appropriate form provided by the Committee and so that it is received by the Committee not later than the seventh day of the month, a report showing the aggregate quantity of each varietal type of packed raisins and standard natural condition raisins which were shipped or otherwise disposed of by such handler during the preceding month (exclusive of transfers within the State of California between plants of any such handler and from such handler to other handlers): *Provided,* That, for the Other Seedless varietal type, handlers shall report such information for the different types of Other Seedless raisins. Such required information shall be segregated as to:

* * * * *

(d) * * *

(1) Any handler who transfers raisins to another handler within the State of California shall submit to the Committee not later than five calendar days following such transfer a report showing:

* * * * *

(v) If packed, the transferring handler shall certify that such handler is transferring only acquired raisins that meet all applicable marketing order requirements, including reporting, incoming inspection, and assessments.

* * * * *

(f) * * *

(1) * * *

(i) The quantity of raisins, segregated as to locations where they are stored and whether they are natural condition or packed;

(ii) * * *

(2) * * *

(i) The total net weight of the standard raisins acquired during the reporting period; and

* * * * *

(3) *Disposition report of organically-produced raisins.* No later than the seventh day of each month, handlers who are not processors shall submit to the Committee, on an appropriate form provided by the Committee, a report showing the aggregate quantity of packed raisins and standard natural condition raisins which were shipped or otherwise disposed of by such handler during the preceding month (exclusive of transfer within the State of California between the plants of any such handler and from such handler to other handlers). Such information shall include:

* * * * *

■ 29. In § 989.210:

■ a. Remove paragraphs (b), (c) and (e);

■ b. Redesignate paragraph (d) as (b), paragraph (f) as (c), and paragraph (g) as (d); and

■ c. Revise newly redesignated paragraph (b).

The revisions read as follows:

§ 989.210 Handling of varietal types of raisins acquired pursuant to a weight dockage system.

* * * * *

(b) *Assessments.* Assessments on any lot of raisins of the varietal types specified in paragraph (a) of this section acquired by a handler pursuant to a weight dockage system shall be applicable to the creditable weight of such lot.

* * * * *

■ 30. Sections 989.221 and 989.257 are removed.

■ 31. The subpart heading ''Subpart-Schedule of Payments'' prior to § 989.401 is removed.

■ 32. Section 989.401 is removed.

■ 33. In part 989 all references of ''offgrade'' are revised to read ''off-grade''.

■ 34. In part 989 all references to ''nonnormal'' are revised to read ''non-normal''.

■ 35. In part 989 all references to ''committee'' are revised to read ''Committee''.

■ 36. In the list below, for each section indicated in the left column, remove the title indicated in the middle column from wherever it appears in the section, and add the title indicated in the right column:

Section	Remove	Add
989.58(d)	Processed Products Standardization and Inspection Branch.	Specialty Crops Inspection Division.
989.59(d)	Processed Products Standardization and Inspection Branch.	Specialty Crops Inspection Division.
989.102	Processed Products Branch, Fruit and Vegetable Division.	Specialty Crops Inspection Division.

Dated: May 3, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–09242 Filed 5–30–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0495; Directorate Identifier 2017–NM–017–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Bombardier, Inc., Model CL–600–2B19 (Regional Jet Series 100 & 440), CL–600–2C10 (Regional Jet Series 700, 701, & 702), Model CL–600–2D15 (Regional Jet Series 705), and Model CL–600–2D24 (Regional Jet Series 900) airplanes. This proposed AD was prompted by development of a modification to prevent uncommanded rudder movement during flight. This proposed AD would require modifying the wiring harness of the yaw damper control system. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 17, 2017.

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

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

For service information identified in this NPRM, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; fax 514–855–7401; email *ac.yul@aero.bombardier.com;* Internet: *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0495; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7318; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0495; Directorate Identifier 2017–NM–017–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2017–06, effective February 14, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Bombardier, Inc., Model CL–600–2B19 (Regional Jet Series 100 & 440), Model CL–600–2C10 (Regional Jet Series 700, 701, & 702), Model CL–600–2D15 (Regional Jet Series 705), and Model CL–600–2D24 (Regional Jet Series 900) airplanes. The MCAI states:

> [Canadian] AD CF–2013–13 was issued on 28 May 2013 [related to FAA AD 2013–14–11, Amendment 39–17516 (78 FR 44781, July 25, 2013) (''AD 2013–14–11'')] to mandate the introduction of an emergency procedure to the Aeroplane Flight Manual to address the uncommanded rudder movement.
>
> Since the original issue of [Canadian] AD CF–2013–13, Bombardier Aerospace has developed a wiring modification for the yaw damper control system to prevent uncommanded movement of the rudder [and consequent loss of the ability to control the airplane].
>
> This [Canadian] AD mandates the wiring modification for the yaw damper control system * * *.

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–2017–0495.

Related Rulemaking

On July 11, 2013, we issued AD 2013–14–11, applicable to all Bombardier, Inc., Model CL–600–2B19 (Regional Jet Series 100 & 440), Model CL–600–2C10 (Regional Jet Series 700, 701, & 702), Model CL–600–2D15 (Regional Jet Series 705), and Model CL–600–2D24 (Regional Jet Series 900) airplanes. That AD requires revising the airplane flight manual by incorporating an emergency procedure for uncommanded yaw motion. That AD was prompted by reports of airplanes experiencing uncommanded rudder movements while in flight. That AD was issued to advise the flightcrew of procedures to address a possible failure of the voltage regulator inside the yaw damper actuator that could lead to uncommanded rudder movement and consequent loss of the ability to control the airplane.

Since issuance of AD 2013–14–11, a wiring modification for the yaw damper control system has been developed to prevent uncommanded rudder movement.

Related Service Information Under 1 CFR Part 51

We reviewed Bombardier Service Bulletin 601R–22–017, Revision C, dated May 11, 2016; and Bombardier Service Bulletin 670BA–22–007, Revision A, dated February 16, 2016. This service information describes procedures for modifying the wiring harness of the yaw damper control system. These documents are distinct since they apply to different airplane models. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

We estimate that this proposed AD affects 1,006 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Wiring modification	5 work-hours × $85 per hour = $425	Up to $39	Up to $464	Up to $466,784.

According to the manufacturer, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc.: Docket No. FAA–2017–0495; Directorate Identifier 2017–NM–017–AD.

(a) Comments Due Date

We must receive comments by July 17, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Bombardier, Inc., Model CL–600–2B19 (Regional Jet Series 100 & 440), CL–600–2C10 (Regional Jet Series 700, 701, & 702), Model CL–600–2D15 (Regional Jet Series 705), and Model CL–600–2D24 (Regional Jet Series 900) airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 22, Auto Flight.

(e) Reason

This AD was prompted by development of a modification to prevent uncommanded rudder movement during flight. We are issuing this AD to prevent uncommanded rudder movement and consequent loss of the ability to control the airplane.

(f) Compliance

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

(g) Modification

Within 6,600 flight hours or 36 months after the effective date of this AD, whichever occurs first: Modify the wiring harness of the yaw damper control system, in accordance with the applicable service information specified in table 1 to paragraph (g) of this AD.

TABLE 1 TO PARAGRAPH (g) OF THIS AD

Airplane model	Airplane serial numbers	Applicable Service Bulletin
CL–600–2B19	7002 through 8999 inclusive	Bombardier Service Bulletin 601R–22–017, Revision C, dated May 11, 2016.
CL–600–2C10	10002 through 10344 inclusive	Bombardier Service Bulletin 670BA–22–007, Revision A, dated February 16, 2016.
CL–600–2D15 and CL–600–2D24	15001 through 15400 inclusive.	

(h) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraph (h)(1)(i), (h)(1)(ii), or (h)(1)(iii) of this AD, which is applicable to Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes.

(i) Bombardier Service Bulletin 601R–22–017, dated September 24, 2014, in conjunction with Bombardier Service Non-Incorporated Engineering Order (SNIEO) K601R50211 S02, dated October 31, 2014.

(ii) Bombardier Service Bulletin 601R–22–017, Revision A, dated February 26, 2015, in conjunction with Bombardier SNIEO K601R50211 S03, dated April 21, 2015; or S04, dated April 24, 2015.

(iii) Bombardier Service Bulletin 601R–22–017, Revision B, dated July 16, 2015.

(2) This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 670BA–22–007, dated October 15, 2014, which is applicable to Model CL–600–2C10 (Regional Jet Series 700, 701, & 702), CL–600–2D15 (Regional Jet

Series 705), and CL–600–2D24 (Regional Jet Series 900) airplanes.

(i) Parts Installation Limitations

As of 24 months after the effective date of this AD, no person may install, on any airplane, a yaw damper actuator having part number 622–9968–001, unless it has been modified in accordance with the applicable service information specified in table 1 to paragraph (g) of this AD.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the New York ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO, ANE–170, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2017–06, effective February 14, 2017, 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–2017–0495.

(2) For more information about this AD, contact Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7318; fax 516–794–5531.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; fax 514–855–7401; email *ac.yul@aero.bombardier.com;* Internet: *http://www.bombardier.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 15, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10544 Filed 5–30–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0513; Directorate Identifier 2016–NM–152–AD]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Dassault Aviation Model FALCON 2000EX airplanes. This proposed AD was prompted by a quality review of delivered airplanes, which identified a manufacturing deficiency of some engine air inlet anti-ice ''piccolo'' tubes. This proposed AD would require inspecting each anti-ice ''piccolo'' tube assembly of certain engine air inlets for discrepancies, and doing corrective actions if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 17, 2017.

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

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

For service information identified in this NPRM, contact Dassault Falcon Jet, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0513; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0513; Directorate Identifier 2016–NM–152–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2016–0168, dated August 17, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Dassault Aviation Model FALCON 2000EX airplanes. The MCAI states:

A quality review of recently delivered aeroplanes identified a manufacturing deficiency of some engine air inlet anti-ice ''piccolo'' tubes.

This condition, if not detected and corrected, could lead to reduced performance of the engine anti-ice protection system, with consequent ice accretion and ingestion, possibly resulting in dual engine power loss and reduced control of an aeroplane.

The subsequent investigation demonstrated that, for engines equipped with an air inlet affected by the manufacturing deficiency, operating an engine at or above the minimum N1 value applicable for combined wing and engine anti-ice operations provides efficient engine anti-ice performance during stand-alone engine anti-ice operation.

To address this potential unsafe condition, EASA issued EASA AD 2015–0101–E (later revised) to require amendment of the applicable Aeroplane Flight Manual (AFM) for aeroplanes having engine air inlets Part Number (P/N) 06ND71600–1 not marked NORDAM Rework Kit (or ''NRK'') on the associated data plate.

Since that [EASA] AD was issued, Dassault Aviation published Service Bulletin (SB) F2000EX–384 (later revised), providing instructions for a one-time inspection and applicable corrective actions, to recover the full operational capability of the aeroplanes equipped with affected parts.

For the reasons described above, this [EASA] AD supersedes EASA AD 2015–0102R1, retaining its requirements, [and] additionally requires a one-time inspection of each affected anti-ice ''piccolo'' tube assembly and, depending on findings, accomplishment of the applicable corrective actions. This [EASA] AD also prohibits installation of an affected part on an aeroplane.

The required actions include a detailed inspection and borescope inspection for discrepancies, which include determining if the opening diameter of the anti-ice tube assembly is incorrect or the perforation holes are blocked by residue. The corrective actions include repair or rework, if necessary. 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–2017–0513.

Other Related Rulemaking

On June 19, 2015, we issued AD 2015–13–08, Amendment 39–18195 (80 FR 37150, June 30, 2015) (''AD 2015–13–08''), applicable to all Dassault Aviation Model FALCON 2000EX airplanes. That AD requires revising the airplane flight manual to include a procedure for addressing minimum fan speed rotation (N1) values during stand-alone engine anti-ice system operation for engines equipped with certain air inlets. That AD was prompted by a quality review of certain delivered airplanes, which identified a manufacturing deficiency of some engine air inlet anti-ice ''piccolo'' tubes. The actions required by that AD are intended to detect and correct reduced performance of the engine anti-ice protection system, leading to ice accretion and ingestion into the engines, which could result in dual engine power loss and consequent reduced controllability of the airplane.

Actions Since Issuance of AD 2015–13–08

This NPRM would not supersede AD 2015–13–08. Rather, we have determined that a stand-alone AD would be more appropriate to address the changes in the MCAI. This NPRM would require inspections and corrective actions of the anti-ice ''piccolo'' tube assembly of the engine air inlet. Accomplishment of the actions specified in paragraph (g) of this proposed AD would then terminate all of the requirements of AD 2015–13–08.

Related Service Information Under 1 CFR Part 51

We reviewed Dassault Falcon 2000EX Service Bulletin F2000EX–384, Revision 1, dated March 1, 2016. This service information describes procedures for inspecting each anti-ice ''piccolo'' tube assembly of each engine air inlet for discrepancies, and corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

We estimate that this proposed AD affects 181 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	5 work-hours × $85 per hour = $425	$0	$425	$76,925

We estimate the following costs to do any necessary rework that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need these corrective actions:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Rework anti-ice tube assembly	2 work-hours × $85 per hour = $170	$1,711	$1,881

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for

safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Dassault Aviation: Docket No. FAA–2017–0513; Directorate Identifier 2016–NM–152–AD.

(a) Comments Due Date

We must receive comments by July 17, 2017.

(b) Affected ADs

This AD affects AD 2015–13–08, Amendment 39–18195 (80 FR 37150, June 30, 2015) (''AD 2015–13–08'').

(c) Applicability

This AD applies to all Dassault Aviation Model FALCON 2000EX airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 30, Ice and Rain Protection.

(e) Reason

This AD was prompted by a quality review of certain delivered airplanes, which identified a manufacturing deficiency of certain engine air inlet anti-ice ''piccolo'' tubes. We are issuing this AD to detect and correct discrepancies of each anti-ice ''piccolo'' tube assembly of certain engine air inlets; this condition could result in reduced performance of the engine anti-ice protection system, leading to ice accretion and ingestion into the engines, and possibly resulting in dual engine power loss and consequent reduced controllability of the airplane.

(f) Compliance

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

(g) Inspection

For airplanes other than those on which an engine air inlet having part number (P/N) 06ND71600–1, with a marking ''NTR–RKFAL97'' ''NTR–RKFAL98,'' ''F2000EX–384,'' or ''F2000EX–384–R1'' on the air inlet data plate has been incorporated on both engines: Within 1,300 flight hours or 26 months after the effective date of this AD, whichever occurs first; inspect each anti-ice ''piccolo'' tube assembly of each engine air inlet for discrepancies (*i.e.,* an incorrect opening diameter of the anti-ice tube assembly or perforation holes blocked by residue), and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Dassault Falcon 2000EX Service Bulletin F2000EX–384, Revision 1, dated March 1, 2016; except as required by paragraph (h) of this AD. Do all applicable corrective actions before further flight.

(h) Service Information Exception

Where Dassault Falcon 2000EX Service Bulletin F2000EX–384, Revision 1, dated March 1, 2016, specifies to contact Dassault for appropriate action: Before further flight, accomplish corrective actions in accordance with the procedures specified in paragraph (k)(2) of this AD.

(i) Terminating Action

Accomplishment of the actions required by paragraph (g) of this AD terminates all the requirements of AD 2015–13–08 for that airplane.

(j) Parts Installation Limitation

As of the effective date of this AD, installation of an engine air inlet having part number (P/N) 06ND71600–1 on any airplane is allowed, provided the engine air inlet data plate shows the marking ''NTR–RKFAL97,'' ''NTR–RKFAL98,'' ''F2000EX–384,'' or ''F2000EX–384–R1.''

(k) 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 the attention of the person identified in paragraph (l)(2) of this AD. Information may be emailed to: *9–ANM–116–AMOC–REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016–0168, dated August 17, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0513.

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

(3) For service information identified in this AD, contact Dassault Falcon Jet, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 18, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10980 Filed 5–30–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0520; Directorate Identifier 2016–NM–143–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Airbus Model A300 series airplanes; and 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). This proposed AD was prompted by reports of cracks initiating at the upper radius of frame (FR) 47 and a determination that the current inspection procedure is not reliable in detecting certain cracking of the forward fitting of FR 47. This proposed AD would require repetitive inspections to detect cracking of the upper radius of the forward fitting of FR 47, and related investigative actions and corrective actions if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 17, 2017.

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

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

For service information identified in this NPRM, contact 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.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0520; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: 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:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0520; Directorate Identifier 2016–NM–143–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2016–0150, dated July 25, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition on all. The MCAI states:

> During scheduled maintenance inspections on the fuselage, cracks initiating at the upper radius of frame (FR) 47 have been reported on several aeroplanes. Similar damage was also discovered on the A300 fatigue test fuselage.
>
> This condition, if not detected and corrected, could reduce the structural integrity of the fuselage.
>
> Prompted by these findings, Airbus issued Service Bulletin (SB) A300–53–0246, SB A300–53–6029 and SB A300–53–9014 to provide inspection instructions and, consequently, DGAC France issued AD F–2006–016 to require repetitive inspections and corrective action.
>
> Since that [French] AD was issued, further investigation led to the conclusion that the current ultrasonic inspection performed in accordance with Airbus SB A300–53–0246 Revision 06, or SB A300–53–6029 Revision 08, or SB A300–53–9014 Revision 01, as applicable, was not reliable to detect deep crack going downward.
>
> Consequently, to ensure the crack depth is correctly measured whatever the crack direction, Airbus developed a new nondestructive testing method [eddy current] for this special detailed inspection (SDI) and revised the affected SBs accordingly.
>
> For the reasons described above, this [EASA] AD retains the requirements of DGAC France AD F–2006–016, which is superseded, but requires the accomplishment of repetitive SDI to replace the previously required ultrasonic inspections [and related investigative actions and corrective actions if necessary].

Related investigative actions include an ultrasonic inspection for cracking on the forward face of forward fitting and a detailed inspection for cracking of the aft fitting around the fasteners. Corrective actions include crack repairs, modification of the sealing fittings and sealing shims. This proposed AD requires reporting of the inspection results to Airbus. 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–2017–0520.

Related Service Information Under 1 CFR Part 51

Airbus has issued Airbus Service Bulletin A300–53–0246, Revision 08, including Appendix 1, dated April 13, 2016 (for Model A300 series airplanes); and Airbus Service Bulletin A300–53–6029, Revision 12, including Appendix 1, dated April 13, 2016 (for Model A300–600 series airplanes). The service information describes procedures for doing an SDI for cracking of the FR 47 forward fitting upper radius on the left-hand and right-hand sides of the fuselage, and related investigative actions and corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

This NPRM would not supersede AD 2007–26–14, Amendment 39–15316 (73 FR 2803, January 16, 2008). Rather, we have determined that a stand-alone AD would be more appropriate to address the changes in the MCAI. This NPRM would require repetitive inspections to detect cracking of the upper radius of the forward fitting of FR 47, and related investigative actions and corrective actions if necessary. Accomplishment of the proposed actions would then terminate all requirements of AD 2007–26–14 for the inspected airplane.

Differences Between This Proposed AD and the MCAI or Service Information

Although the MCAI and service information allow further flight if cracks are found during accomplishment of the required action, this proposed AD requires that any cracking be repaired before further flight.

Costs of Compliance

We estimate that this proposed AD affects 132 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	19 work-hours × $85 per hour = $1,615	$0	$1,615 per inspection cycle	$213,180 per inspection cycle.
Reporting	1 work-hour × $85 per hour = $85	0	$85 per inspection cycle	$11,220 per inspection cycle.

We estimate the following costs to do any necessary related investigative and corrective actions that would be required based on the results of the proposed inspection. We have no way of determining the number of airplanes that might need these repairs:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Related investigative and Corrective actions	21 work-hours × $85 per hour = $1,785	$1,835	$3,620

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 proposed AD is 2120–0056. The paperwork cost associated with this proposed 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 proposed 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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2017–0520; Directorate Identifier 2016–NM–143–AD.

(a) Comments Due Date

We must receive comments by July 17, 2017.

(b) Affected ADs

This AD affects AD 2007–26–14, Amendment 39–15316 (73 FR 2803, January 16, 2008) (''AD 2007–26–14'').

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1) through (c)(5) of this AD, certificated in any category, except airplanes that have been repaired as specified in Airbus Service Bulletin A300–53–0370 or Airbus Service Bulletin A300–53–6144, as applicable.

(1) Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes.

(2) Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes.

(3) Model A300 B4–605R and B4–622R airplanes.

(4) Model A300 F4–605R and F4–622R airplanes.

(5) Model A300 C4–605R Variant F airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by reports of cracks initiating at the upper radius of frame (FR) 47 and a determination that the current inspection procedure is not reliable in detecting certain cracking of the forward fitting of FR 47. We are issuing this AD to detect and correct fatigue cracking of the FR 47 forward fitting upper radius on the left-hand and right-hand sides of the fuselage, which could propagate and result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Repetitive Inspections

Except as required by paragraph (h) of this AD: Before exceeding 10,000 flight cycles since first flight of the airplane or within 30 days after the effective date of this AD, whichever is later, do a special detailed inspection (SDI) for cracking of the FR 47 forward fitting upper radius on the left-hand and right-hand sides of the fuselage, in accordance with the Accomplishment Instructions of the applicable Airbus service information specified in paragraphs (g)(1) and (g)(2) of this AD. Repeat the inspection thereafter at intervals not to exceed 4,150 flight cycles, except as required by paragraph (j) of this AD.

(1) Airbus Service Bulletin A300–53–0246, Revision 08, including Appendix 1, dated April 13, 2016.

(2) Airbus Service Bulletin A300–53–6029, Revision 12, including Appendix 1, dated April 13, 2016.

(h) Initial Inspection for Airplanes Previously Inspected

For airplanes previously inspected as specified in the applicable Airbus service information specified in paragraphs (h)(1) through (h)(6) of this AD and on which no cracking was found: Within 4,150 flight cycles after the most recent inspection, do the inspection for cracking of the FR 47 forward fitting upper radius required by paragraph (g) of this AD.

(1) Airbus Service Bulletin A300–53–0246, Revision 06, dated October 19, 2005.

(2) Airbus Service Bulletin A300–53–0246, Revision 07, dated September 9, 2008.

(3) Airbus Service Bulletin A300–53–6029, Revision 08, dated October 19, 2005.

(4) Airbus Service Bulletin A300–53–6029, Revision 09, dated September 9, 2008.

(5) Airbus Service Bulletin A300–53–6029, Revision 10, dated July 9, 2009.

(6) Airbus Service Bulletin A300–53–6029, Revision 11, dated September 28, 2009.

(i) Inspections for Airplanes With Abnormal Load Events

For airplanes on which any crack was found during any inspection done as specified in Airbus Service Bulletin A300–53–0246 or Airbus Service Bulletin A300–53–6029, as applicable, and on which any abnormal load event, such as hard landing or flight in excessive turbulence, occurred within 3 months before the effective date of this AD or occurs on or after the effective date of this AD: Within 3 months after each event, accomplish an SDI for cracking of the FR 47 forward fitting upper radius, left-hand and right-hand sides of the fuselage, in accordance with the applicable Accomplishment Instructions of the Airbus service information specified in paragraphs (g)(1) or (g)(2) of this AD. If, during this 3-month period, another abnormal load event occurs, and if no SDI has yet been accomplished, before further flight after the second event, obtain corrective action instructions from 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), and accomplish those instructions accordingly.

(j) Corrective Actions for Airplanes With Cracks

If, during any SDI as required by paragraph (g), (h), or (i) of this AD, any crack is found: Before further flight, do the applicable related investigative actions and corrective actions, in accordance with the Accomplishment Instructions of the applicable Airbus service information specified in paragraphs (g)(1) or (g)(2) of this AD, and obtain additional corrective action instructions from the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA, and accomplish those instructions accordingly before further flight.

(k) Reporting

Submit a report of the findings (both positive and negative) of each SDI inspection required by paragraphs (g), (h), and (i) of this AD to Airbus Service Bulletin Reporting Online Application on Airbus World (*https://w3.airbus.com/*), at the applicable time specified in paragraph (k)(1) or (k)(2) of this AD.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(l) Terminating Action for AD 2007–26–14

Accomplishing any inspection required by paragraph (g) or (h) of this AD terminates all requirements of AD 2007–26–14 for the inspected airplane.

(m) 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 the attention of the person identified in paragraph (n)(2) of this AD. Information may be emailed to: *9–ANM–116–AMOC–REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(3) *Reporting Requirements:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a 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 OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are 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.

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016–0150, dated July 25, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0520.

(2) For more information about this AD, 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.

(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.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 19, 2017.

Victor Wicklund,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10979 Filed 5–30–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0516; Directorate Identifier 2016–NM–125–AD]

RIN 2120–AA64

Airworthiness Directives; ATR—GIE Avions de Transport Régional Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2015–23–12, for all ATR—GIE Avions de Transport Régional Model ATR42 and ATR72 airplanes. AD 2015–23–12 currently requires identifying the serial number and part number of the main landing gear (MLG) rear hinge pins, and replacing pins or the MLG if necessary. Since we issued AD 2015–23–12, we have received a new report of a certain cracked MLG hinge pin on a Model ATR42 airplane. We have determined that certain additional MLG hinge pins must be replaced, and certain compliance times must be reduced. This proposed AD would require identifying the serial number and part number of the MLG rear hinge pins, and replacing pins if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 17, 2017.

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

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

For service information identified in this NPRM, contact ATR—GIE Avions de Transport Régional, 1, Allée Pierre Nadot, 31712 Blagnac Cedex, France; telephone +33 (0) 5 62 21 62 21; fax +33 (0) 5 62 21 67 18; email *continued.airworthiness@atr.fr;* Internet *http://www.aerochain.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0516; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1112; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0516; Directorate Identifier 2016–NM–125–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

On November 12, 2015, we issued AD 2015–23–12, Amendment 39–18329 (80 FR 73096, November 24, 2015) (''AD 2015–23–12''), for all ATR—GIE Avions de Transport Régional Model ATR42 and ATR72 airplanes. AD 2015–23–12 was prompted by new occurrences of certain cracked MLG rear hinge pins. AD 2015–23–12 requires identifying the serial number and part number of the MLG rear hinge pins, and replacing pins or the MLG if necessary. We issued AD 2015–23–12 to detect and correct cracked rear hinge pins, which could lead to MLG structural failure, possibly resulting in collapse of the MLG and consequent injury to the occupants of the airplane.

Since we issued AD 2015–23–12, we have received a new report of a cracked MLG hinge pin having P/N D62055 on a Model ATR42 airplane. We have determined that certain additional MLG hinge pins must be replaced, and certain compliance times must be reduced.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2016–0135, dated July 8, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all ATR—GIE Avions de Transport Régional Model ATR42 and ATR72 airplanes. The MCAI states:

> Prompted by cases of rupture of main landing gear (MLG) rear hinge pin part number (P/N) D61000 encountered in service in 1994 and 1996, DGAC [Direction Générale de l'Aviation Civile] France issued AD 96–131–064 (B) for ATR42 aeroplanes and AD 96–096–029 (B) for ATR72 aeroplanes to

require inspection and, depending on findings, corrective action. Since those [French] ADs were issued, new occurrences of cracked rear hinge pin P/N [part number] D61000 were reported on ATR72 MLG. The result of subsequent investigation revealed that the affected pins were subjected to a non-detected thermal abuse done in production during grinding process. Analysis also showed that other MLG pin P/N's could be affected by the same production issue.

This condition, if not detected and corrected, could lead to structural failure and consequent collapse of the MLG, possibly resulting in damage to the aeroplane and injury to the occupants.

To address this potential unsafe condition, EASA issued AD 2014–0074 [which corresponds to FAA AD 2015–23–12] to require inspection and, depending on findings, replacement of affected pins.

After EASA AD 2014–0074 was issued, a new occurrence was reported of a cracked MLG hinge pin P/N D62055 installed on the MLG Side Brace of an ATR42 aeroplane. This new occurrence was also identified as related to a non-detected thermal abuse done in production during grinding process.

Prompted by this new occurrence, Messier Bugatti Dowty (MBD) updated the list of MLG hinge pins affected by this unsafe condition by adding serial numbers (S/N), which were previously not considered by EASA AD 2014–0074. In addition, it was determined that the compliance time for replacement of pins with P/N D62055 must be reduced. The six affected MBD Service Bulletins (SB) were revised accordingly, and six new ones were also published to address this issue.

For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2014–0074, which is superseded, but addresses an expanded MLG hinge pin population with appropriate compliance time(s).

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–2017–0516.

Related Service Information Under 1 CFR Part 51

Messier-Bugatti-Dowty has issued the following service information, which describes procedures for inspecting and replacing the MLG hinge pin. These documents are distinct since they apply to different airplane models and different MLG hinge pin part numbers.

- Service Bulletin 631–32–213, Revision 2, dated March 15, 2016.
- Service Bulletin 631–32–214, Revision 1, dated March 15, 2016.
- Service Bulletin 631–32–215, Revision 1, dated March 15, 2016.
- Service Bulletin 631–32–216, Revision 3, dated March 15, 2016.
- Service Bulletin 631–32–219, Revision 1, dated March 15, 2016.
- Service Bulletin 631–32–220, Revision 1, dated March 15, 2016.
- Service Bulletin 631–32–224, dated March 15, 2016.
- Service Bulletin 631–32–231, dated March 15, 2016.
- Service Bulletin 631–32–232, Revision 1, dated March 15, 2016.
- Service Bulletin 631–32–233, dated March 15, 2016.
- Service Bulletin 631–32–234, dated March 15, 2016.
- Service Bulletin 631–32–235, dated March 15, 2016.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

Differences Between This Proposed AD and the MCAI or Service Information

In MCAI table 1 and table 2, the MCAI specifies the compliance time terminology, ''whichever occurs later,'' between compliance time A and B. However, this proposed AD specifies the phrase, ''whichever occurs first,'' instead of ''whichever occurs later.'' This difference has been coordinated with EASA and ATR—GIE Avions de Transport Régional.

Costs of Compliance

We estimate that this proposed AD affects 63 airplanes of U.S. registry.

The actions required by AD 2015–23–12, and retained in this proposed AD take about 8 work-hours per product, at an average labor rate of $85 per work-hour. Required parts will cost about $16,000 per product. Based on these figures, the estimated cost of the actions that are required by AD 2015–23–12 is $16,680 per product.

We also estimate that it would take about 8 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $16,000 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $1,050,840, or $16,680 per product.

According to the manufacturer, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2015–23–12, Amendment 39–18329 (80 FR 73096, November 24, 2015), and adding the following new AD:

ATR–GIE Avions de Transport Régional: Docket No. FAA–2017–0516; Directorate Identifier 2016–NM–125–AD.

(a) Comments Due Date

We must receive comments by July 17, 2017.

(b) Affected ADs

This AD replaces AD 2015–23–12, Amendment 39–18329 (80 FR 73096, November 24, 2015) (''AD 2015–23–12'').

(c) Applicability

This AD applies to ATR–GIE Avions de Transport Régional Model ATR42–200, –300, –320, and –500 airplanes; and ATR72–101, –201, –102, –202, –211, –212, and –212A airplanes; certificated in any category; all certified models; all manufacturer serial numbers.

(d) Subject

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

(e) Reason

This AD was prompted by a new occurrence of a cracked main landing gear (MLG) rear hinge pin. We are issuing this AD to detect and correct cracked rear hinge pins, which could lead to MLG structural failure, possibly resulting in collapse of the MLG and consequent injury to the occupants of the airplane.

(f) Compliance

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

(g) Retained Hinge Pin Identification and Replacement for Model ATR72 Airplanes, With Terminating Action

This paragraph restates the requirements of paragraph (g) of AD 2015–23–12, with terminating action. For Model ATR72 airplanes: Within 12 months after December 29, 2015 (the effective date of AD 2015–23–12), inspect for the serial number of the left-hand (LH) and right-hand (RH) MLG rear hinge pins having part number (P/N) D61000. A review of airplane maintenance records is acceptable in lieu of this identification if the part number and serial number of the LH and RH MLG rear hinge pins can be conclusively determined from that review. If a rear hinge pin having P/N D61000 has a serial number listed in Messier-Bugatti-Dowty Service Bulletin 631–32–213, dated December 16, 2013; or Messier-Bugatti-Dowty Service Bulletin 631–32–216, Revision 1, dated December 17, 2013; as applicable: Within 12 months after December 29, 2015, replace the pin with a serviceable part as identified in paragraph (h) of this AD, in accordance with the Accomplishment Instructions of Messier-Bugatti-Dowty Service Bulletin 631–32–213, dated December 16, 2013; or Messier-Bugatti-Dowty Service Bulletin 631–32–216, Revision 1, dated December 17, 2013; as applicable. Accomplishment of the actions required by paragraph (l) of this AD terminates the inspection required by this paragraph. Accomplishing the actions required by paragraph (m) or (o) of this AD terminates the actions required by this paragraph.

(h) Retained Definition of Serviceable Hinge Pin for Model ATR72 Airplanes for Paragraph (g) of this AD, With No Changes

This paragraph restates the definition in paragraph (h) of AD 2015–23–12, with no changes. For Model ATR72 airplanes: For purposes of paragraph (g) of this AD, a serviceable MLG rear hinge pin is a pin that is specified in paragraph (h)(1) or (h)(2) of this AD.

(1) A hinge pin that is not identified in Messier-Bugatti-Dowty Service Bulletin 631–32–213, dated December 16, 2013; or Messier-Bugatti-Dowty Service Bulletin 631–32–216, Revision 1, dated December 17, 2013; as applicable.

(2) A hinge pin that has been inspected and reconditioned, in accordance with the Accomplishment Instructions of Messier-Bugatti-Dowty Service Bulletin 631–32–213, dated December 16, 2013; or Messier-Bugatti-Dowty Service Bulletin 631–32–216, Revision 1, dated December 17, 2013; as applicable.

(i) Retained MLG Pin Identification and Replacement for Model ATR72 Airplanes, With Terminating Action

This paragraph restates the requirements of paragraph (i) of AD 2015–23–12, with terminating action. For Model ATR72 airplanes: At the earlier of the times specified in paragraphs (i)(1) and (i)(2) of this AD, inspect all LH and RH MLG pins for a part number and serial number listed in Messier-Bugatti-Dowty Service Bulletin 631–32–214, dated January 13, 2014; or Messier-Bugatti-Dowty Service Bulletin 631–32–219, dated March 3, 2014; as applicable. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number and serial number of the LH and RH MLG pin can be conclusively determined from that review. If any affected MLG pin is found: At the earlier of the compliance times specified in paragraphs (i)(1) and (i)(2) of this AD, replace the MLG with a serviceable MLG as identified in paragraph (j) of this AD, using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or ATR–GIE Avions de Transport Régional's EASA Design Organization Approval (DOA). Accomplishment of the actions required by paragraph (l) of this AD terminates the inspection for the part number and serial number of the LH and RH MLG rear hinge pins required by this paragraph. Accomplishment of the actions required by paragraph (m) or (o) of this AD terminates the actions required by this paragraph.

(1) No later than the next MLG overhaul scheduled after December 29, 2015 (the effective date of AD 2105–23–12).

(2) Within 20,000 flight cycles or 9 years, whichever occurs first, accumulated since installation of the MLG on an airplane since new or since last overhaul, as applicable.

(j) Retained Definition of Serviceable MLG for Model ATR72 Airplanes for Paragraph (i) of this AD, With No Changes

This paragraph restates the definition in paragraph (j) of AD 2015–23–12, with no changes. For Model ATR72 airplanes: For purposes of paragraph (i) of this AD, a serviceable MLG is one that incorporates pins specified in paragraph (j)(1) or (j)(2) of this AD.

(1) Pins that are not identified in Messier-Bugatti-Dowty Service Bulletin 631–32–214, dated January 13, 2014; or Messier-Bugatti-Dowty Service Bulletin 631–32–219, dated March 3, 2014; as applicable.

(2) Pins that have been inspected and reconditioned in accordance with the Accomplishment Instructions of Messier-Bugatti-Dowty Service Bulletin 631–32–214, dated January 13, 2014; or Messier-Bugatti-Dowty Service Bulletin 631–32–219, dated March 3, 2014; as applicable.

(k) Retained MLG Pin Identification and Replacement for Model ATR42 Airplanes, With Terminating Action

This paragraph restates the requirements of paragraph (k) of AD 2015–23–12, with terminating action. Accomplishment of the actions required by paragraph (l) of this AD terminates the actions required by paragraph (k)(1) of this AD. Accomplishment of the actions required by paragraph (m) or (o) of this AD terminates the actions required by paragraph (k)(2) of this AD.

(1) *For Model ATR42 airplanes:* Within the compliance time identified in paragraph (k)(1)(i) or (k)(1)(ii) of this AD, whichever occurs first, inspect for any LH and RH MLG pins having a part number and serial number listed in Messier-Bugatti-Dowty Service Bulletin 631–32–215, dated January 13, 2014; or Messier-Bugatti-Dowty Service Bulletin 631–32–220, dated March 3, 2014; as applicable. A review of airplane maintenance records is acceptable in lieu of this identification if the part number and serial number of the LH and RH MLG pin can be conclusively determined from that review.

(i) No later than the next MLG overhaul scheduled after December 29, 2015 (the effective date of AD 2015–23–12).

(ii) Within 20,000 flight cycles or 9 years, whichever occurs first, accumulated since installation of the MLG on an airplane since new or since last overhaul, as applicable.

(2) If the MLG pin having a part number and serial number listed in Messier-Bugatti-Dowty Service Bulletin 631–32–215, dated January 13, 2014; or Messier-Bugatti-Dowty Service Bulletin 631–32–220, dated March 3, 2014; as applicable; is found to be installed

during the identification required by paragraph (k)(1) of this AD, within the compliance time identified in paragraph (k)(1) of this AD, replace the MLG with a serviceable MLG, using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or ATR–GIE Avions de Transport Régional's EASA DOA. For the purposes of this paragraph, a serviceable MLG is a part that has pins identified in paragraph (k)(2)(i) or (k)(2)(ii) of this AD.

(i) Pins that are not listed in Messier-Bugatti-Dowty Service Bulletin 631–32–215, dated January 13, 2014; or Messier-Bugatti-Dowty Service Bulletin 631–32–220, dated March 3, 2014; as applicable.

(ii) Pins that have been inspected and reconditioned, in accordance with the Accomplishment Instructions of Messier-Bugatti-Dowty Service Bulletin 631–32–215, dated January 13, 2014; or Messier-Bugatti-Dowty Service Bulletin 631–32–220, dated March 3, 2014; as applicable.

(l) New Requirement of This AD: Hinge Pin Identification

Within the applicable compliance time specified in, and in accordance with the Accomplishment Instructions of, the applicable Messier-Bugatti-Dowty Service Bulletin specified in figure 1 to paragraphs (l) through (p) of this AD or figure 2 to paragraphs (l) through (p) of this AD, as applicable to the airplane model and MLG hinge part number, identify the serial number (S/N) of the LH and RH MLG hinge pins. A review of airplane maintenance records is acceptable in lieu of this identification if the part number and serial number of the LH and RH MLG hinge pins can be conclusively determined from that review. Accomplishment of the actions required by this paragraph terminates the inspections required by paragraphs (g), (i), and (k)(1) of this AD.

FIGURE 1 TO PARAGRAPHS (l) THROUGH (p) OF THIS AD—MODEL ATR72 AIRPLANES

MLG Hinge part Nos.	Applicable Messier-Bugatti-Dowty Service Bulletins	Compliance time
D60955, D60968, D60999, D61032, D61061.	Messier-Bugatti-Dowty Service Bulletin 631–32–214, Revision 1, dated March 15, 2016 Messier-Bugatti-Dowty Service Bulletin 631–32–219, Revision 1, dated March 15, 2016, or Messier-Bugatti-Dowty Service Bulletin 631–32–233, dated March 15, 2016	A or B, whichever occurs first: A: Not later than the next scheduled MLG overhaul after the effective date of this AD. B: Within 20,000 flight cycles or 9 years, whichever occurs first, accumulated since first installation of a MLG on an airplane since new, or since last overhaul, as applicable.
D61000	Messier-Bugatti-Dowty Service Bulletin 631–32–213, Revision 2, dated March 15, 2016 Messier-Bugatti-Dowty Service Bulletin 631–32–216, Revision 3, dated March 15, 2016, or Messier-Bugatti-Dowty Service Bulletin 631–32–232, Revision 1, dated March 15, 2016	Within 12 months after the effective date of this AD.

FIGURE 2 TO PARAGRAPHS (l) THROUGH (p) OF THIS AD—MODEL ATR42 AIRPLANES

MLG Hinge part Nos.	Airplane model(s)	Applicable Messier-Bugatti-Dowty Service Bulletins	Compliance time
D62054, D63823, D63825.	All	Messier-Bugatti-Dowty Service Bulletin 631–32–215, Revision 1, dated March 15, 2016 Messier-Bugatti-Dowty Service Bulletin 631–32–220, Revision 1, dated March 15, 2016, or Messier-Bugatti-Dowty Service Bulletin 631–32–235, dated March 15, 2016	A or B, whichever occurs first: A: Not later than the next scheduled MLG overhaul after the effective date of this AD. B: Within 20,000 flight cycles or 9 years, whichever occurs first, accumulated since first installation of a MLG on an airplane since new, or since last overhaul, as applicable.
D56800, D56800–1, D56809, D56841, D57261, D57401, D57407, D58807, D62079.	ATR42–300	Messier-Bugatti-Dowty Service Bulletin 631–32–215, Revision 1, dated March 15, 2016 Messier-Bugatti-Dowty Service Bulletin 631–32–220, Revision 1, dated March 15, 2016, or Messier-Bugatti-Dowty Service Bulletin 631–32–235, dated March 15, 2016	A or B, whichever occurs first: A: Not later than the next scheduled MLG overhaul after the effective date of this AD. B: Within 20,000 flight cycles or 9 years, whichever occurs first, accumulated since first installation of a MLG on an airplane since new, or since last overhaul, as applicable.
D62055	All	Messier-Bugatti-Dowty Service Bulletin 631–32–224, Messier-Bugatti-Dowty Service Bulletin 631–32–231, or Messier-Bugatti-Dowty Service Bulletin 631–32–234	Within 24 months after the effective date of this AD.

(m) New MLG Hinge Pin Replacement

If, during the identification required by paragraph (l) of this AD, an MLG hinge pin with a serial number listed in the applicable Messier-Bugatti-Dowty Service Bulletin is found to be installed: Within the compliance time specified in figure 1 to paragraphs (l) through (p) of this AD or figure 2 to paragraphs (l) through (p) of this AD, as applicable to airplane model and MLG hinge pin part number, replace each affected MLG hinge pin with a serviceable MLG hinge pin. The replacement must be done in accordance with the Accomplishment Instructions of the applicable Messier-Bugatti-Dowty Service Bulletin specified in figure 1 to paragraphs (l) through (p) of this AD or figure 2 to paragraphs (l) through (p) of this AD, as applicable to the airplane model and MLG hinge part number, except as required by paragraph (o) of this AD. Accomplishment of the actions required by this paragraph terminates the actions required by paragraphs (g) and (i) of this AD. Accomplishment of the actions required by this paragraph terminates the replacement required by paragraph (k)(2) of this AD.

(n) New Definition of Serviceable Hinge Pins for Paragraph (m) of This AD

For the purpose of paragraph (m) of this AD, a serviceable MLG hinge pin is a pin that

is specified in paragraph (n)(1) or (n)(2) of this AD.

(1) A hinge pin that does not belong to the identified batch as listed in the applicable Messier-Bugatti-Dowty Service Bulletin specified in figure 1 to paragraphs (l) through (p) of this AD or figure 2 to paragraphs (l) through (p) of this AD, as applicable to the airplane model and MLG hinge part number.

(2) A hinge pin that can be identified, through the MLG maintenance records, as having been inspected and reconditioned in accordance with the Accomplishment Instructions of the applicable Messier-Bugatti-Dowty Service Bulletin specified in figure 1 to paragraphs (l) through (p) of this AD or figure 2 to paragraphs (l) through (p) of this AD, as applicable to the airplane model and MLG hinge part number.

(o) New MLG Hinge Pin Replacement Procedures

If, during accomplishment of the MLG hinge pin replacement required by paragraph (m) of this AD, the applicable Messier-Bugatti-Dowty Service Bulletin specified in figure 1 to paragraphs (l) through (p) of this AD or figure 2 to paragraphs (l) through (p) of this AD does not specify the MLG hinge pin replacement procedure, do the MLG hinge pin replacement using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or ATR–GIE Avions de Transport Régional's EASA DOA. Do the MLG hinge pin replacement at the applicable compliance time specified in paragraph (m) of this AD. Accomplishment of the actions required by this paragraph terminates the hinge pin replacement required by paragraphs (g), (i), and (k)(2) of this AD.

(p) New Parts Installation Limitation

As of the effective date of this AD, no person may install on any airplane an MLG hinge pin having a part number identified in figure 1 to paragraphs (l) through (p) of this AD or figure 2 to paragraphs (l) through (p) of this AD, and having a serial number defined in the applicable Messier-Bugatti-Dowty Service Bulletin specified in figure 1 to paragraphs (l) through (p) of this AD or figure 2 to paragraphs (l) through (p) of this AD, as applicable to the airplane model and MLG hinge part number, unless the part can be conclusively identified, through the MLG maintenance records, as having been inspected and reconditioned in accordance with the Accomplishment Instructions of the applicable Messier-Bugatti-Dowty Service Bulletin.

(q) Credit for Previous Actions

(1) This paragraph restates the credit provided in paragraph (l) of AD 2015–23–12, with no changes. This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before December 29, 2015 (the effective date of AD 2105–23–12), using Messier-Bugatti-Dowty Service Bulletin 631–32–216, dated October 30, 2013, which is not incorporated by reference in this AD.

(2) This paragraph provides credit for the actions required by paragraphs (l) and (m) of this AD, if those actions were done before the effective date of this AD using the applicable service information specified in paragraph (q)(2)(i) through (q)(2)(x) of this AD.

(i) Messier-Bugatti-Dowty Service Bulletin 631–32–213, December 16, 2013, which was incorporated by reference on December 29, 2015 (80 FR 73096, November 24, 2015).

(ii) Messier-Bugatti-Dowty Service Bulletin 631–32–213, Revision 1, dated December 8, 2014, which is not incorporated by reference in this AD.

(iii) Messier-Bugatti-Dowty Service Bulletin 631–32–214, dated January 13, 2014, which was incorporated by reference on December 29, 2015 (80 FR 73096, November 24, 2015).

(iv) Messier-Bugatti-Dowty Service Bulletin 631–32–215, dated January 13, 2014, which was incorporated by reference on December 29, 2015 (80 FR 73096, November 24, 2015).

(v) Messier-Bugatti-Dowty Service Bulletin 631–32–216, dated October 30, 2013, which is not incorporated by reference in this AD.

(vi) Messier-Bugatti-Dowty Service Bulletin 631–32–216, Revision 1, dated December 17, 201, which was incorporated by reference on December 29, 2015 (80 FR 73096, November 24, 2015).

(vii) Messier-Bugatti-Dowty Service Bulletin 631–32–216, Revision 2, dated December 8, 2014, which is not incorporated by reference in this AD.

(viii) Messier-Bugatti-Dowty Service Bulletin 631–32–219, dated March 3, 2014, which was incorporated by reference on December 29, 2015 (80 FR 73096, November 24, 2015).

(ix) Messier-Bugatti-Dowty Service Bulletin 631–32–220, dated March 3, 2014, which was incorporated by reference on December 29, 2015 (80 FR 73096, November 24, 2015).

(x) Messier-Bugatti-Dowty Service Bulletin 631–32–232, dated December 8, 2014, which is not incorporated by reference in this AD.

(r) 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 manager of the International Branch, send it to the attention of the person identified in paragraph (s)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

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

(ii) AMOCs approved previously for AD 2015–23–12 are approved as AMOCs for the corresponding provisions of this AD.

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

(s) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2016–0135, dated July 8, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0516.

(2) For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1112; fax 425–227–1149.

(3) For service information identified in this AD, contact ATR–GIE Avions de Transport Régional, 1, Allée Pierre Nadot, 31712 Blagnac Cedex, France; telephone +33 (0) 5 62 21 62 21; fax +33 (0) 5 62 21 67 18; email *continued.airworthiness@atr.fr;* Internet *http://www.aerochain.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 19, 2017.

Victor Wicklund,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10978 Filed 5–30–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0502; Directorate Identifier 2016–NM–120–AD]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Dassault Aviation Model FALCON 7X airplanes. This proposed AD was prompted by a discovery of noncompliant rivets in the flight deck upper skin. This proposed AD would require replacement of noncompliant rivets. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 17, 2017.

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

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

For service information identified in this NPRM, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone: 201–440–6700; Internet: *http://www.dassaultfalcon.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0502; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0502; Directorate Identifier 2016–NM–120–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued Airworthiness Directive 2016–0124, dated June 22, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Dassault Aviation Model FALCON 7X airplanes. The MCAI states:

> During an internal review of the manufacturing files, it was found that 20 rivets installed on the cockpit [(flight deck)] upper skin are not compliant with the original type design. Those 20 MGPL type rivets have a shank longer than necessary and, in case of a bird strike under maximum energy impact, the cockpit upper skin deformation would lead to interference between the rivet shank and the cockpit mounted overhead panel.
>
> This condition, if not corrected, could affect the functioning of essential flight control systems, possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition, Dassault Aviation published Service Bulletin (SB) 7X–176, providing instructions for replacement of the [noncompliant] rivets.
>
> For the reasons described above, this [EASA] AD requires removal of affected rivets and replacement with serviceable [solid-type] rivets compliant with original type design.

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–2017–0502.

Related Service Information Under 1 CFR Part 51

Dassault Aviation has issued Service Bulletin 7X–176, dated February 3, 2016. The service information describes procedures for modifying the airplane by replacing certain blind rivets installed on the flight deck skin panel with solid-type rivets. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

We estimate that this proposed AD affects 25 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S operators
Modification	81 work-hours × $85 per hour = $6,885	$48	$6,933	$173,325

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for

safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Dassault Aviation: Docket No. FAA–2017–0502; Directorate Identifier 2016–NM–120–AD.

(a) Comments Due Date

We must receive comments by July 17, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Dassault Aviation Model FALCON 7X airplanes, certificated in any category, manufacturer serial numbers 15 through 89 inclusive, 92 through 94 inclusive, 97 through 101 inclusive, 105, and 106.

(d) Subject

Air Transport Association (ATA) of America Code 51, Structures.

(e) Reason

This AD was prompted by a discovery of noncompliant rivets in the flight deck upper skin. We are issuing this AD to prevent interference between the rivet shank and the flight deck mounted overhead panel when the flight deck upper skin deforms due to impact (*e.g.,* bird strike); a condition, that if not corrected, could affect the functioning of essential flight control systems, and result in reduced control of the airplane.

(f) Compliance

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

(g) Modification

Before exceeding 99 months or 4,100 flight cycles, whichever occurs first since the date of issuance of the original airworthiness certificate or the date of issuance of the original export certificate of airworthiness, modify the airplane by replacing certain MGPL type rivets installed on the flight deck skin panel with solid type-rivets, in accordance with the Accomplishment Instructions of Dassault Aviation Service Bulletin 7X–176, dated February 3, 2016.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to the attention of the person identified in paragraph (i)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016–0124, dated June 22, 2016, for related information. This MCAI may be found on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0502.

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

(3) For service information identified in this AD, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone: 201–440–6700; Internet: *http://www.dassaultfalcon.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 18, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10977 Filed 5–30–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 74

[Docket No. FDA–2017–C–2902]

Glo Eyes, LLC; Filing of Color Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by Glo Eyes, LLC, proposing that the color additive regulations be amended to provide for the safe use of D&C Yellow No. 8 as a color additive in contact lens solution.

DATES: The color additive petition was filed on April 18, 2017.

FOR FURTHER INFORMATION CONTACT: Molly A. Harry, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1075.

SUPPLEMENTARY INFORMATION: Under section 721(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379e(d)(1)), we are giving notice that we have filed a color additive petition (CAP 7C0311), submitted by Glo Eyes, LLC, 5501 Highway 199, suite 202, Fort Worth, TX 76114. The petition proposes to amend the color additive regulations in 21 CFR part 74, *Listing of Color Additives Subject To Certification,* to provide for the safe use of D&C Yellow

No. 8 (principally the disodium salt of fluorescein) as a color additive in contact lens solution.

We have determined under 21 CFR 25.32(l) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: May 24, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–11165 Filed 5–30–17; 8:45 am]

BILLING CODE 4164–01–P

POSTAL SERVICE

39 CFR Part 20

International Mailing Services: Mailing Services Rules Changes

AGENCY: Postal Service™.

ACTION: Advance notice of proposed rulemaking; request for comments.

SUMMARY: The Postal Service is considering limiting First-Class Mail International® service to documents only.

DATES: Comments on this advance notice are due July 17, 2017.

ADDRESSES: Mail or deliver written comments to the manager, Product Classification, U.S. Postal Service, 475 L'Enfant Plaza SW., Room 4446, Washington, DC 20260–5015. You may inspect and photocopy all written comments at USPS® Headquarters Library, 475 L'Enfant Plaza SW., 11th Floor North, Washington, DC, by appointment only between the hours of 9 a.m. and 4 p.m., Monday through Friday. Call 1–202–268–2906 in advance for an appointment. Email comments, containing the name and address of the commenter, may be sent to: *ProductClassification@usps.gov,* with a subject line of ''First-Class Mail International.'' Faxed comments are not accepted.

FOR FURTHER INFORMATION CONTACT: Mico Milanovic at (202) 268–5348 or Sylvia Baylis at (202) 268–6464.

SUPPLEMENTARY INFORMATION: This is an advance notice of the Postal Service's intent to modify some of its International Mailing rules to conform with the new Universal Postal Union (UPU) requirements for certain Letter Post mail, effective January 1, 2018. After lengthy deliberations, UPU member countries voted to identify and separate items by content as documents versus goods, for purposes of adopting a universal, world-wide standard.

In order for the Postal Service to meet this new standard, the contents of First-Class Mail International postcard, letter, and large envelope (flat) mail; International Priority Airmail (IPA) postcard, letter, and large envelope (flat) mail; and International Surface Air Lift (ISAL) postcard, letter, and large envelope (flat) mail will be limited to documents.

Effective January 1, 2018, mailers who wish to mail any type of goods, regardless of shape, must use First Class Package International Service or another available service. Technical details and proposed IMM changes will be published at a later date and before implementation.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–11120 Filed 5–30–17; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2017–0064; FRL–9962–76–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revisions to Allegheny County Health Department Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve the state implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania for the purpose of updating the SIP to include administrative and definition amendments made to Allegheny County Health Department's (ACHD) Rules and Regulations Article XXI, Air Pollution Control. The amendments update the name of the Bureau of Environmental Quality to the Bureau of Environmental Health and revise the definition of ''County Executive'' to agree with the definition contained in the Allegheny County Home Rule Charter. In the Final Rules section of this **Federal Register**, EPA is approving the Commonwealth'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, 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.

DATES: Comments must be received in writing by June 30, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2017–0064 at *https://www.regulations.gov,* or via email to *rehn.brian@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. 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 *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Sara Calcinore, (215) 814–2043, or by email at *calcinore.sara@epa.gov.*

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, Revisions to Allegheny County Health Department Rules, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication. 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.

Dated: May 4, 2017.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

[FR Doc. 2017–10923 Filed 5–30–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2017–0020]; FRL–9963–14–Region 8]

Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve State Implementation Plan (SIP) revisions submitted by the state of Montana on September 8, 2016. The revisions are to the Administrative Rules of Montana (ARM) and include updates to the citations and references to federal and state laws and regulations, updated links to sources of information, and provides clarity on how copies of federal regulations may be obtained. In the ''Rules and Regulations'' section of this **Federal Register**, we are approving these SIP revisions as a direct final rule without prior proposed rule. If we receive no adverse comment, we will not take further action on this proposed rule. This action is being taken in accordance with section 110 of the Clean Air Act (CAA).

DATES: Written comments must be received on or before June 30, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2017–0020 at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system).

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. The EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays. For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Jaslyn Dobrahner, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6252, *dobrahner.jaslyn@epa.gov.*

SUPPLEMENTARY INFORMATION: In the ''Rules and Regulations'' section of this **Federal Register**, the EPA is approving the State's SIP revisions as a direct final rule without prior proposal because the Agency views these as noncontroversial SIP revisions and anticipates no adverse comments. In this proposed rule, the EPA is proposing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the date of the version of the federal regulations regarding air quality rules into the ARM. A detailed rationale for the approval is set forth in the preamble to the direct final rule.

If the EPA receives no adverse comments, the EPA will not take further action on this proposed rule. If the EPA receives adverse comments, we will withdraw the direct final rule and it will not take effect. The EPA will address all public comments in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the **ADDRESSES** section of this notice. Please note that if the 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, the EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations Section of this **Federal Register**.

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

Dated: May 12, 2017.

Suzanne J. Bohan,

Acting Regional Administrator, Region 8.

[FR Doc. 2017–10925 Filed 5–30–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2017–0040; FRL–9963–13–Region 10]

Air Plan Approval; Alaska: Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Whenever a new or revised National Ambient Air Quality Standard (NAAQS) is promulgated, each state must submit a plan for the implementation, maintenance and enforcement of such standard, commonly referred to as infrastructure requirements. On July 9, 2012, Alaska submitted a plan to address the infrastructure requirements for the lead (Pb) NAAQS promulgated on October 15, 2008. The Environmental Protection Agency (EPA) is proposing to approve the plan as meeting Clean Air Act (CAA) requirements.

DATES: Comments must be received on or before June 30, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2017–0040, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to

make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

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

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

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I. Background

On October 15, 2008, the EPA revised the level of the primary and secondary Pb standards to 0.15 micrograms per cubic meter (μ/m^3) (73 FR 66964). The CAA requires that states submit SIPs meeting the requirements of CAA sections 110(a)(1) and (2) within three years after promulgation of a new or revised standard. CAA sections 110(a)(1) and (2) require states to address basic SIP elements, including emissions inventories, monitoring, and modeling to assure attainment and maintenance of the standards, so-called infrastructure requirements. To help states, on October 14, 2011, the EPA issued guidance to address the infrastructure requirements for the 2008 Pb NAAQS (2011 Guidance).[1] In addition, the EPA issued general infrastructure guidance for multiple NAAQS (2013 Guidance).[2] As noted in these guidance documents, to the extent an existing SIP already meets the CAA section 110(a)(2) requirements, states may certify that fact via a letter to the EPA.

On July 9, 2012, the Alaska Department of Environmental Conservation (ADEC) submitted to the EPA a certification that Alaska's SIP meets the infrastructure requirements for the 2008 Pb NAAQS and a number of other NAAQS.[3] We note that this action only addresses infrastructure requirements for the 2008 Pb NAAQS and does not address certain interstate transport requirements for the 2008 Pb NAAQS which we previously approved on August 4, 2014 (79 FR 45103).

II. Infrastructure Elements

CAA section 110(a)(1) provides the procedural and timing requirements for SIP submissions after a new or revised NAAQS is promulgated. CAA section 110(a)(2) lists specific elements that states must meet for infrastructure SIP requirements related to a newly established or revised NAAQS. These requirements include elements such as modeling, monitoring, and emission limits that are designed to implement, maintain and enforce the NAAQS. The requirements, with their corresponding CAA subsection, are listed below:

- 110(a)(2)(A): Emission limits and other control measures.
- 110(a)(2)(B): Ambient air quality monitoring/data system.
- 110(a)(2)(C): Program for enforcement of control measures.
- 110(a)(2)(D): Interstate transport.
- 110(a)(2)(E): Adequate resources.
- 110(a)(2)(F): Stationary source monitoring system.
- 110(a)(2)(G): Emergency power.
- 110(a)(2)(H): Future SIP revisions.
- 110(a)(2)(I): Areas designated nonattainment and applicable requirements of part D.
- 110(a)(2)(J): Consultation with government officials; public notification; and Prevention of Significant Deterioration (PSD) and visibility protection.
- 110(a)(2)(K): Air quality modeling/data.
- 110(a)(2)(L): Permitting fees.
- 110(a)(2)(M): Consultation/participation by affected local entities.

The EPA's guidance document clarified that two elements identified in CAA section 110(a)(2) are not governed by the three-year submission deadline of CAA section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are not due within three years after promulgation of a new or revised NAAQS, but rather, are due at the time the nonattainment area plan requirements are due pursuant to CAA section 172 and the various pollutant specific subparts 2–5 of part D. These requirements are: (i) Submissions required by CAA section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D, title I of the CAA, and (ii) submissions required by CAA section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, title I of the CAA. As a result, this action does not address infrastructure elements related to CAA section 110(a)(2)(C) with respect to nonattainment new source review (NSR) nor CAA section 110(a)(2)(I). Furthermore, the EPA interprets the CAA section 110(a)(2)(J) provision on visibility as not being triggered by a new NAAQS because the visibility requirements in part C, title I of the CAA are not changed by a new NAAQS.

III. EPA Approach To Review of Infrastructure Submissions

The EPA is taking action on the July 9, 2012 infrastructure submission from Alaska for purposes of the 2008 Pb NAAQS. We previously approved the same submission as meeting infrastructure requirements for fine particulate matter and ozone standards (November 10, 2014, 79 FR 66651). In the preamble of our action, we published a discussion of the EPA's approach to review of these submissions. Please see our July 16, 2014 proposed rule for the detailed discussion (79 FR 41496, at page 41498).

IV. EPA Evaluation

110(a)(2)(A): Emission Limits and Other Control Measures

CAA section 110(a)(2)(A) requires SIPs to include enforceable emission limits and other control measures, means or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of the CAA.

State submission: The submission cites laws set forth at Alaska Statutes (AS) Chapters 46.03 Environmental Conservation and 46.14 Air Quality Control, and regulations set forth at 18 AAC 50 Alaska Administrative Code Title 18 Environmental Conservation,

[1] Stephen D. Page, Director, Office of Air Quality Planning and Standards. ''Guidance on Infrastructure State Implementation Plan (SIP) Elements Required Under Sections 110(a)(1) and (2) for the 2008 Lead (Pb) National Ambient Air Quality Standards.'' Memorandum to EPA Air Division Directors, Regions I–X, October 14, 2011.

[2] Stephen D. Page, Director, Office of Air Quality Planning and Standards. ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2).'' Memorandum to EPA Air Division Directors, Regions 1–10, September 13, 2013.

[3] The July 9, 2012, submission also addressed infrastructure requirements for the 1997 and 2006 $PM_{2.5}$ and 1997 and 2008 ozone NAAQS—which we approved in a series of actions on October 15, 2008 (73 FR 60955), October 22, 2012 (77 FR 64425), August 4, 2014 (79 FR 45103), and November 10, 2014 (79 FR 66651).

Chapter 50 Air Quality Control (18 AAC 50). Relevant regulations are listed below:

- 18 AAC 50.010: Ambient Air Quality Standards.
- 18 AAC 50.015: Air Quality Designations, Classifications, and Control Regions.
- 18 AAC 50.040: Federal Standards Adopted by Reference.
- 18 AAC 50.055: Industrial Processes and Fuel Burning Equipment.
- 18 AAC 50.302: Construction Permits.
- 18 AAC 50.306: Prevention of Significant Deterioration Permits.
- 18 AAC 50.345: Construction and Operating Permits: Standard Permit Conditions.
- 18 AAC 50.502: Minor Permits for Air Quality Protection.
- 18 AAC 50.508: Minor Permits Requested by the Owner or Operator.
- 18 AAC 50.540: Minor Permit Application.
- 18 AAC 50.542: Minor Permit Review and Issuance.

EPA analysis: On September 19, 2014, the EPA approved numerous revisions to the Alaska SIP, including updates to 18 AAC 50.010 *Ambient Air Quality Standards* to reflect revisions to the NAAQS, including the 2008 Pb NAAQS (79 FR 56268). Alaska generally regulates emissions of Pb through its SIP-approved major and minor new source review (NSR) permitting programs. There are no designated nonattainment areas in Alaska for the 2008 Pb NAAQS. However, the EPA does not consider SIP requirements triggered by the nonattainment area mandates in part D, title I of the CAA to be governed by the submission deadline of CAA section 110(a)(1). Regulations and other control measures for purposes of attainment planning under part D, title I of the CAA are due on a different schedule than infrastructure SIPs.

Alaska's major NSR permitting rules in 18 AAC Chapter 50, Article 3 for attainment and unclassifiable areas, generally rely on the federal PSD program regulations at 40 CFR 51.166 and 40 CFR 52.21, which are incorporated by reference into the Alaska SIP, to implement its SIP-approved PSD permitting program. The EPA most recently approved revisions to Alaska's PSD permitting rules on May 19, 2016 (81 FR 31511). The current Alaska SIP-approved PSD program incorporates by reference specific regulations at 40 CFR 52.21 and 40 CFR 51.166 as of December 9, 2013.

Alaska regulates minor stationary sources of Pb through its federally-approved minor NSR permitting program. Alaska's minor NSR permitting rules in 18 AAC Chapter 50, Article 5 were originally approved into the SIP on July 5, 1983, and the state has made updates and revisions to the program throughout the years. The EPA most recently approved substantive revisions to the Alaska minor NSR program on September 19, 2014 (79 FR 56268), and minor clarifications on May 19, 2014 (81 FR 31511). In addition, we note that Alaska's SIP contains rules that regulate industrial sources of pollutants, including incinerator emission standards and emission limits for specific industrial processes and fuel burning equipment. Based on the foregoing, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(A) for the 2008 Pb NAAQS.

In this action, we are not proposing to approve or disapprove any existing Alaska provisions with respect to excess emissions during startup, shutdown, or malfunction (SSM) of operations at a facility. The EPA believes that a number of states may have SSM provisions that are contrary to the CAA and existing EPA guidance and the EPA is addressing such state regulations in a separate action. *See* ''State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction: Final Rule.'' (June 12, 2015, 80 FR 33840) (SSM SIP Call). The EPA determined that certain SIP provisions in 36 states (applicable in 45 statewide and local jurisdictions), including Alaska, were substantially inadequate to meet CAA requirements, and thus issued a SIP call for each of those 36 states. The SIP call also embodies the EPA's updated SSM Policy as it applies to SIP provisions and provides guidance to states for compliance with CAA requirements for SIP provisions applicable to excess emissions during SSM events. Alaska submitted a SIP revision on January 9, 2017 in response to the SIP Call. We intend to address the January 9, 2017 submission in a separate action.

In addition, we are not proposing to approve or disapprove any existing Alaska rules with respect to director's discretion or variance provisions. Some states may have such provisions that are contrary to the CAA and existing EPA guidance and the EPA is addressing such regulations in a separate action via the SSM SIP Call (June 12, 2015, 80 FR 33840). We encourage any state having a director's discretion or variance provision that is contrary to the CAA and EPA guidance to take steps to correct the deficiency as soon as possible.

110(a)(2)(B): Ambient Air Quality Monitoring/Data System

CAA section 110(a)(2)(B) requires SIPs to include provisions to provide for establishment and operation of ambient air quality monitors, collecting and analyzing ambient air quality data, and making these data available to the EPA upon request.

State submission: The submission references Alaska statutory and regulatory authority to conduct ambient air monitoring investigations. AS 46.03.020 *Powers of the department* paragraph (5) provides authority to undertake studies, inquiries, surveys, or analyses essential to the accomplishment of the purposes of ADEC. AS 46.14.180 *Monitoring* provides authority to require sources to monitor emissions and ambient air quality to demonstrate compliance with applicable permit program requirements. 18 AAC 50.201 *Ambient Air Quality Investigation* provides authority to require a source to do emissions testing, reduce emissions, and apply controls to sources.

The submission references ADEC's revised *Quality Assurance Project Plan for the State of Alaska Air Monitoring and Quality Assurance Program* as amended through February 23, 2010. This document is adopted by reference into the State Air Quality Control Plan at 18 AAC 50.030(4). ADEC states that the manual includes the appropriate, federally-referenced ambient air quality monitoring and analysis procedures and data quality objectives. Validated State & Local Air Monitoring Stations, and Special Purpose Monitoring ambient air quality monitoring data are verified, and then electronically reported to the EPA through the Air Quality System on a quarterly basis.

The submission also references 18 AAC 50.035 *Documents, Procedures, and Methods Adopted by Reference* which include the most current, federal reference and interpretation methods for Pb. These methods are used by ADEC in ambient air quality monitoring program to determine compliance with the standards.

EPA analysis: A comprehensive air quality monitoring plan, intended to meet the requirements of 40 CFR part 58 was submitted by Alaska on January 18, 1980 and approved by the EPA on April 15, 1981 (40 CFR 52.70). This monitoring plan has been updated and revised over time. The EPA most recently reviewed Alaska's 2015

monitoring plan [4] on October 28, 2015.[5] Alaska's 2015 plan references the source-oriented ambient air monitoring for Pb that was conducted at the Red Dog Mine, located in a remote part of the Northwest Arctic Borough. In 2016, the state requested a waiver from source-oriented monitoring requirements at the mine based on dispersion modeling, the results of which demonstrated that the source will not contribute to a maximum lead concentration in ambient air in excess of 50 percent of the Pb NAAQS. The EPA granted the waiver request on August 11, 2016.[6]

We find that the Alaska Pb monitoring network meets the requirements of 40 CFR part 58 and we are therefore proposing to approve the Alaska SIP as meeting CAA section 110(a)(2)(B) for the 2008 Pb NAAQS. We note that the waiver must be renewed once every five years as part of the network assessment required under 40 CFR 58.10(d). If site conditions have changed such that the previous modeling is no longer appropriate, ADEC must update the modeling based on current conditions. *See* 40 CFR part 58, Appendix D, Section 4.5(a)(ii).

110(a)(2)(C): Program for Enforcement of Control Measures

CAA section 110(a)(2)(C) requires states to include a program providing for enforcement of all SIP measures and the regulation of construction of new or modified stationary sources, including a program to meet PSD and nonattainment NSR requirements.

State submission: The submission references ADEC's statutory authority to regulate stationary sources via an air permitting program established in AS 46.14 ''Air Quality Control,'' Article 01 ''General Regulations and Classifications'' and Article 02 ''Emission Control Permit Program.'' The submission states that ADEC's PSD/NSR programs were approved by the EPA on August 14, 2007 (72 FR 45378). The submission references the following regulations:

- 18 AAC 50.045: Prohibitions.
- 18 AAC 50.302: Construction Permits.
- 18 AAC 50.306: Prevention of Significant Deterioration Permits.
- 18 AAC 50.345: Construction and Operating Permits: Standard Permit Conditions.
- 18 AAC 50.508: Minor Permits Requested by the Owner or Operator.
- 18 AAC 50.540: Minor Permit: Application.
- 18 AAC 50.542: Minor Permit Review and Issuance.
- 18 AAC 50.542(c): Screening Ambient Air Quality Analysis.

The submission states that a violation of the prohibitions in the regulations above, or any permit condition, can result in civil actions (AS 46.03.760 *Civil action for pollution; damages*), administrative penalties (AS 46.03.761 *Administrative penalties*), or criminal penalties (AS 46.03.790 *Criminal penalties*). In addition, the submission refers to regulations pertaining to compliance orders and enforcement proceedings found at 18 AAC Chapter 95 *Administrative Enforcement.* AS 46.03.820 *Emergency Powers* provides ADEC with emergency order authority where there is an imminent and present danger to health or welfare.

EPA analysis: With respect to the requirement to have a program providing for enforcement of all SIP measures, we are proposing to find that Alaska statute provides ADEC authority to enforce air quality regulations, permits, and orders promulgated pursuant to AS 46.03 and AS 46.14. ADEC staffs and maintains an enforcement program to ensure compliance with SIP requirements. ADEC has emergency order authority when there is an imminent or present danger to health or welfare or potential for irreversible or irreparable damage to natural resources or the environment. Enforcement cases may be referred to the State Department of Law. Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(C) related to enforcement for the 2008 Pb NAAQS.

To generally meet the requirements of CAA section 110(a)(2)(C) with respect to the regulation of construction of new or modified stationary sources, states are required to have PSD, nonattainment NSR, and minor NSR permitting programs adequate to implement the 2008 Pb NAAQS. As explained above, we are not evaluating nonattainment related provisions, such as the nonattainment NSR program required by part D, title I of the CAA.

Alaska's major NSR permitting rules in 18 AAC Chapter 50, Article 3 for attainment and unclassifiable areas, generally relies on the federal PSD program regulations at 40 CFR 51.166 and 40 CFR 52.21, which are incorporated by reference into the Alaska SIP, to implement its SIP-approved PSD permitting program. The EPA most recently approved revisions to Alaska's PSD permitting program on May 19, 2016 (81 FR 31511). The current Alaska SIP-approved PSD permitting program incorporates by reference specific regulations at 40 CFR 52.21 and 40 CFR 51.166 as of December 9, 2013. We are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(C) with respect to PSD for the 2008 Pb NAAQS.

With respect to CAA section 110(a)(2)(C) and (J), the EPA interprets the CAA to require each state to make an infrastructure SIP submission for a new or revised NAAQS that demonstrates the state has a complete PSD permitting program meeting the current requirements for all regulated NSR pollutants. The requirements of CAA section 110(a)(2)(D)(i)(II) may also be satisfied by demonstrating the state has a complete PSD permitting program correctly addressing all regulated NSR pollutants. Alaska has shown that it currently has a PSD program in place that covers all regulated NSR pollutants, including greenhouse gas (GHG) emissions. We are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(C), (D)(i)(II) and (J) with respect to PSD.

We note that on January 4, 2013, the U.S. Court of Appeals in the District of Columbia, in *Natural Resources Defense Council* v. *EPA,* 706 F.3d 428 (D.C. Cir.), issued a judgment that remanded two of the EPA's rules implementing the 1997 $PM_{2.5}$ NAAQS, including the ''Implementation of New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$),'' (May 16, 2008, 73 FR 28321) (2008 $PM_{2.5}$ NSR Implementation Rule). The court ordered the EPA to ''repromulgate these rules pursuant to Subpart 4 consistent with this opinion.'' *Id.* at 437. Subpart 4 of part D, title I of the CAA establishes additional provisions for particulate matter nonattainment areas. The 2008 $PM_{2.5}$ NSR Implementation Rule addressed by the court's decision promulgated NSR requirements for implementation of $PM_{2.5}$ in both nonattainment areas (nonattainment NSR) and attainment/unclassifiable areas (PSD). As the requirements of subpart 4 only pertain to nonattainment areas, the EPA does not consider the portions of the 2008 $PM_{2.5}$ NSR Implementation Rule that address requirements for $PM_{2.5}$ attainment and unclassifiable areas to be affected by the court's opinion. Moreover, the EPA does not anticipate the need to revise any PSD requirements promulgated in the 2008 $PM_{2.5}$ NSR Implementation Rule in

[4] 2015 Alaska Ambient Air Monitoring Network Plan.

[5] 2015 Ambient Air Monitoring Network Plan Approval Letter, October 28, 2015.

[6] Red Dog Mine Monitoring Waiver Letter, August 11, 2016.

order to comply with the court's decision.

To address the court's remand, the EPA promulgated a final rule for the ''Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements'' on August 24, 2016 (81 FR 58011). This rule sets requirements for major stationary sources in $PM_{2.5}$ nonattainment areas. The EPA interprets the CAA section 110(a)(1) and (2) infrastructure submissions due three years after adoption or revision of a NAAQS to exclude nonattainment area requirements, including requirements associated with a nonattainment NSR program. Instead, these elements are typically referred to as nonattainment SIP or attainment plan elements, which are due by the dates statutorily prescribed under subparts 2 through 5 under part D, extending as far as ten years following designations for some elements. Accordingly, our proposed approval of elements 110(a)(2)(C), (D)(i)(II), and (J), with respect to the PSD requirements, does not conflict with the court's opinion.

In addition, on January 22, 2013, the U.S. Court of Appeals for the District of Columbia, in *Sierra Club* v. *EPA,* 703 F.3d 458 (D.C. Cir. 2013), issued a judgment that, among other things, vacated the provisions adding the $PM_{2.5}$ Significant Monitoring Concentration (SMC) to the federal regulations, at 40 CFR 51.166(i)(5)(i)(*c*) and 52.21(i)(5)(i)(*c*), that were promulgated as part of the ''Prevention of Significant Deterioration (PSD) for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC); Final Rule,'' (October 10, 2010, 75 FR 64864) (2010 PSD $PM_{2.5}$ Implementation Rule). In its decision, the court held that the EPA did not have the authority to use SMCs to exempt permit applicants from the statutory requirement in section 165(e)(2) of the CAA that ambient monitoring data for $PM_{2.5}$ be included in all PSD permit applications. Thus, although the $PM_{2.5}$ SMC was not a required element of a state's PSD program, were a state PSD program that contains such a provision to use that provision to issue new permits without requiring ambient $PM_{2.5}$ monitoring data, such application of the vacated SMC would be inconsistent with the court's opinion and the requirements of section 165(e)(2) of the CAA.

This decision also, at the EPA's request, vacated and remanded to the EPA for further consideration the portions of the 2010 PSD $PM_{2.5}$ Implementation Rule that revised 40 CFR 51.166 and 40 CFR 52.21 related to Significant Impact Levels (SILs) for $PM_{2.5}$. The EPA requested this vacatur and remand of two of the three provisions in the EPA regulations that contain SILs for $PM_{2.5}$, because the wording of these two SIL provisions (40 CFR 51.166(k)(2) and 40 CFR 52.21(k)(2)) is inconsistent with the explanation of when and how SILs should be used by permitting authorities that we provided in the preamble to the **Federal Register** publication when we promulgated these provisions. The third SIL provision (40 CFR 51.165(b)(2)) was not vacated and remains in effect. The court's decision does not affect the PSD increments for $PM_{2.5}$ promulgated as part of the 2010 PSD $PM_{2.5}$ Implementation Rule.

The EPA amended its regulations to remove the vacated $PM_{2.5}$ SILs and SMC provisions from PSD regulations on December 9, 2013 (78 FR 73698). On May 19, 2016, we approved revisions to the Alaska SIP as being consistent with the court decision and revised EPA regulations (81 FR 31511).

The EPA has also promulgated revisions to federal PSD requirements for greenhouse gas (GHG) emissions, in response to a court remand and vacatur. Specifically, on June 23, 2014, the United States Supreme Court, in *Utility Air Regulatory Group (UARG)* v. *EPA,*[7] issued a decision that said the EPA may not treat GHGs as air pollutants for purposes of determining whether a source is a major source (or modification thereof) required to obtain a PSD permit. The Court also said the EPA could continue to require that PSD permits otherwise required based on emissions of pollutants other than GHGs contain limits on GHG emissions based on the application of Best Available Control Technology (BACT).

In response to the *UARG* decision, and the subsequent Amended Judgment issued by the D.C. Circuit (Amended Judgment),[8] the EPA revised the federal PSD rules to allow for the rescission of PSD permits that are no longer required under these decisions, (May 7, 2015, 80 FR 26183), and to remove the regulatory provisions that were specifically vacated by the Amended Judgment, (August 19, 2015, 80 FR 50199) (removing 40 CFR 51.166(b)(48)(v), 52.21(b)(49)(v), 52.22, 70.12, and 71.13). In addition, the EPA proposed to revise provisions in the PSD permitting regulations applicable to GHGs to fully conform with *UARG* and the Amended Judgment, but those revisions have not been finalized (Oct. 3, 2016, 81 FR 68110).

The EPA anticipates that many states will revise their existing SIP-approved PSD programs in light of the Supreme Court's decision and the EPA's changes to federal PSD rules in response to the decision. At this juncture, the EPA is not expecting states to have revised their PSD programs for purposes of infrastructure SIP submissions and is only evaluating such submissions to assure that the state's program correctly addresses GHGs consistent with the Supreme Court's decision.

At present, the EPA has determined the Alaska SIP is sufficient to satisfy CAA section 110(a)(2)(C), (D)(i)(II) and (J) with respect to GHGs because the PSD permitting program previously-approved by the EPA into the SIP continues to require that PSD permits (otherwise required based on emissions of pollutants other than GHGs) contain limitations on GHG emissions based on the application of BACT. Although the approved Alaska PSD permitting program may currently contain provisions that are no longer necessary in light of the Supreme Court decision, this does not render the infrastructure SIP submission inadequate to satisfy CAA section 110(a)(2)(C), (D)(i)(II) and (J) for purposes of the 2008 Pb NAAQS.

The SIP contains the necessary PSD requirements at this time, and the application of those requirements is not impeded by the presence of other previously-approved provisions regarding the permitting of sources of GHGs that the EPA does not consider necessary at this time in light of the Supreme Court decision. Accordingly, the Supreme Court decision does not affect our proposed approval of the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(C), (D)(i)(II) and (J) as those elements relate to a comprehensive PSD program. In this action we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(C), (D)(i)(II) and (J) as those elements relate to a comprehensive PSD program.

Turning to the minor NSR requirement, Alaska regulates minor stationary sources of Pb through its federally-approved minor NSR permitting program. Alaska's program was originally approved into the SIP on July 5, 1983, and the state has made updates and revisions to the program throughout the years. The EPA most recently approved substantive revisions to the Alaska minor NSR program on September 19, 2014 (79 FR 56268). Based on the foregoing, we are proposing to approve the Alaska SIP as

[7] 134 S.Ct. 2427 (2014).

[8] *Coalition for Responsible Regulation* v. *EPA,* Nos. 09–1322, 10–073, 10–1092, and 10–1167 (April 15, 2015).

meeting the requirements of CAA section 110(a)(2)(C) for the 2008 Pb NAAQS.

110(a)(2)(D): Interstate Transport

CAA section 110(a)(2)(D)(i) requires state SIPs to include provisions prohibiting any source or other type of emissions activity in one state from contributing significantly to nonattainment, or interfering with maintenance of the NAAQS in another state (CAA section 110(a)(2)(D)(i)(I)). Further, this section requires state SIPs to include provisions prohibiting any source or other type of emissions activity in one state from interfering with measures required to prevent significant deterioration (PSD) of air quality, or from interfering with measures required to protect visibility (*i.e.* measures to address regional haze) in any state (CAA section 110(a)(2)(D)(i)(II)). As noted above, this action also does not address the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 Pb NAAQS which we previously approved on August 4, 2014 (79 FR 45103).

State submission: For purposes of CAA section 110(a)(2)(D)(i)(II), the submission references the Alaska SIP-approved PSD program and the Alaska Regional Haze Plan.

EPA analysis: CAA section 110(a)(2)(D)(i)(II) requires state SIPs to contain adequate provisions prohibiting emissions which will interfere with any other state's required measures to prevent significant deterioration (PSD) of its air quality (prong 3), and adequate provisions prohibiting emissions which will interfere with any other state's required measures to protect visibility (prong 4).

To address whether emissions from sources in Alaska interfere with any other state's required measures to prevent significant deterioration of air quality, the submission references the Alaska federally-approved PSD program. The EPA most recently approved revisions to Alaska's PSD program on May 19, 2016 (81 FR 31511). The Alaska SIP incorporates by reference federal PSD requirements as of December 9, 2013. We believe that our proposed approval of element 110(a)(2)(D)(i)(II) is not affected by recent court vacaturs of federal PSD implementing regulations. Please see our discussion at section 110(a)(2)(C). Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(D)(i)(II) with respect to PSD (prong 3) for the 2008 Pb NAAQS.

To address whether emissions from sources in Alaska interfere with any other state's required measures to protect visibility, the submission references the Alaska Regional Haze SIP, which was submitted to the EPA on March 29, 2011. The Alaska Regional Haze SIP addresses visibility impacts across states within the region. On February 14, 2013, the EPA approved the Alaska Regional Haze SIP, including the requirements for best available retrofit technology (78 FR 10546).

The EPA believes, as noted in the 2013 Guidance, that with respect to the CAA section 110(a)(2)(D)(i)(II) visibility sub-element, where a state's regional haze SIP has been approved as meeting all current obligations, a state may rely upon those provisions in support of its demonstration that it satisfies the requirements of CAA section 110(a)(2)(D)(i)(II) as it relates to visibility. Because the Alaska Regional Haze SIP was found to meet federal requirements, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(D)(i)(II) as it applies to visibility for the 2008 Pb NAAQS (prong 4).

Interstate and International Transport Provisions

CAA section 110(a)(2)(D)(ii) requires SIPs to include provisions insuring compliance with the applicable requirements of CAA sections 126 and 115 (relating to interstate and international pollution abatement). Specifically, CAA section 126(a) requires new or modified major sources to notify neighboring states of potential impacts from the source.

State submission: The submission references Alaska's federally-approved PSD program. The submission also references SIP revisions submitted by ADEC to update the Alaska PSD program.

EPA analysis: Alaska's major NSR permitting rules in 18 AAC Chapter 50, Article 3 for attainment and unclassifiable areas, generally rely on the federal PSD program regulations at 40 CFR 51.166 and 40 CFR 52.21, which are incorporated by reference into the Alaska SIP, to implement its SIP-approved PSD permitting program. As noted above, the EPA most recently approved revisions to Alaska's PSD permitting program on May 19, 2016 (81 FR 31511). The current Alaska SIP-approved PSD permitting program incorporates by reference specific regulations at 40 CFR 52.21 and 40 CFR 51.166 as of December 9, 2013. At 18 AAC 50.306(b), Alaska's federally-approved SIP incorporates by reference the general provisions of 40 CFR 51.166(q)(2) to describe the public participation procedures for PSD permits, including requiring notice to states whose lands may be affected by the emissions of sources subject to PSD. As a result, Alaska's PSD regulations provide for notice consistent with the requirements of the EPA PSD program. Alaska also has no pending obligations under section 115 or 126(b) of the CAA. Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(D)(ii) for the 2008 Pb NAAQS.

110(a)(2)(E): Adequate Resources

CAA section 110(a)(2)(E) requires each state to provide (i) necessary assurances that the state will have adequate personnel, funding, and authority under state law to carry out the SIP (and is not prohibited by any provision of federal or state law from carrying out the SIP or portion thereof), (ii) requirements that the state comply with the requirements respecting state boards under CAA section 128 and (iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any SIP provision, the state has responsibility for ensuring adequate implementation of such SIP provision.

State submission: The submission states that ADEC maintains adequate personnel, funding, and authority to implement the SIP. The submission refers to AS 46.14.030 *State Air Quality Control Plan* which provides ADEC statutory authority to act for the state and adopt regulations necessary to implement the state air plan. The submission also references 18 AAC 50.030 *State Air Quality Control Plan* which provides regulatory authority to implement and enforce the SIP.

With respect to CAA section 110(a)(2)(E)(ii), the submission states that Alaska's regulations on conflict of interest are found in Title 2—Administration, Chapter 50 Alaska Public Offices Commission: Conflict of Interest, Campaign Disclosure, Legislative Financial Disclosure, and Regulations of Lobbying (2 AAC 50.010—2 AAC 50.920). Regulations concerning financial disclosure are found in Title 2, Chapter 50, Article 1—Public Official Financial Disclosure. There are no state air quality boards in Alaska. The ADEC commissioner, however, as an appointed official and the head of an executive agency, is required to file a financial disclosure statement annually by March 15th of each year with the Alaska Public Offices Commission (APOC). These disclosures are publically available through APOC's Anchorage office. Alaska's Public

Officials Financial Disclosure Forms and links to Alaska's financial disclosure regulations can be found at the APOC Web site: *http://doa.alaska.gov/apoc/.*

With respect to CAA section 110(a)(2)(E)(iii) and assurances that the state has responsibility for adequate implementation of the plan where the state has relied on local or regional government agencies, the submission states that ADEC ensures local programs have adequate resources and documents this in the appropriate SIP section. Statutory authority for establishing local air pollution control programs is found at AS 46.14.400 *Local air quality control programs.*

The submission also states that ADEC provides technical assistance and regulatory oversight to the Municipality of Anchorage (MOA), Fairbanks North Star Borough (FNSB) and other local jurisdictions to ensure that the State Air Quality Control Plan and SIP objectives are satisfactorily carried out. ADEC has a Memorandum of Understanding with the MOA and FNSB that allows them to operate air quality control programs in their respective jurisdictions. The South Central Clean Air Authority has been established to aid the MOA and the Matanuska-Susitna Borough in pursuing joint efforts to control emissions and improve air quality in the air-shed common to the two jurisdictions. In addition, ADEC indicates the department works closely with local agencies on nonattainment plans.

EPA analysis: We are proposing to find that the Alaska SIP meets the adequate personnel, funding and authority requirements of CAA section 110(a)(2)(E)(i). Alaska receives sections 103 and 105 grant funds from the EPA and provides state matching funds necessary to carry out SIP requirements. For purposes of CAA section 110(a)(2)(E)(ii), we previously approved Alaska's conflict of interest disclosure and ethics regulations as meeting the requirements of CAA section 128 on October 22, 2012 (77 FR 64427). Finally, the EPA is proposing to find that Alaska has provided necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any SIP provision, the state has responsibility for ensuring adequate implementation of the SIP with regards to the 2008 Pb NAAQS as required by CAA section 110(a)(2)(E)(iii). Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(E) for the 2008 Pb NAAQS.

110(a)(2)(F): Stationary Source Monitoring System

CAA section 110(a)(2)(F) requires (i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources, (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and (iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to the CAA, which reports shall be available at reasonable times for public inspection.

State submission: The submission states that ADEC has general statutory authority to regulate stationary sources via an air permitting program which includes permit reporting requirements, completeness determinations, administrative actions, and stack source monitoring requirements. The submission states ADEC has regulatory authority to determine compliance with these statutes via information requests and ambient air quality investigations. ADEC has adopted by reference the federal reference and interpretation methods for Pb into the Alaska SIP. The submission also references the SIP-approved Alaska PSD program. Ambient air quality and meteorological data that are collected for PSD purposes by stationary sources are reported to ADEC on a quarterly and annual basis.

The submission refers to the following statutory and regulatory provisions providing authority and requirements for source emissions monitoring, reporting, and correlation with emission limits or standards:

- AS 46.14.140: Emission control permit program regulations.
- AS 46.14.180: Monitoring.
- 18 AAC 50.035: Documents, Procedures, and Methods Adopted by Reference.
- 18 AAC 50.040: Federal Standards Adopted by Reference.
- 18 AAC 50.200: Information Requests.
- 18 AAC 50.201: Ambient Air Quality Investigation.
- 18 AAC 50.220: Enforceable test methods.
- 18 AAC 50.306: Prevention of Significant Deterioration Permits.
- 18 AAC 50.345: Construction and Operating Permits: Standard Permit Conditions.

EPA analysis: The Alaska SIP establishes compliance requirements for sources subject to major and minor source permitting to monitor emissions, keep and report records, and collect ambient air monitoring data. 18 AAC 50.200 *Information Requests* provides ADEC authority to issue an information request to an owner, operator, or permittee for purposes of ascertaining compliance. 18 AAC 50.201 *Ambient Air Quality Investigations* provides authority to require an owner, operator, or permittee to evaluate the effect emissions from the source have on ambient air quality. In addition, 18 AAC 50.306 *Prevention of Significant Deterioration Permits* and 18 AAC 50.544 *Minor Permits: Content* provide for establishing permit conditions to require the permittee to install, use and maintain monitoring equipment, sample emissions, provide source test reports, monitoring data, emissions data, and information from analysis, keep records and make period reports on process operations and emissions. This information is made available to the public through public processes outlined in these SIP-approved rules.

Additionally, states are required to submit emissions data to the EPA for purposes of the National Emissions Inventory (NEI). The NEI is the EPA's central repository for air emissions data. The EPA published the Air Emissions Reporting Rule (AERR) on December 5, 2008, which modified the requirements for collecting and reporting air emissions data (73 FR 76539). The AERR shortened the time states had to report emissions data from 17 to 12 months, giving states one calendar year to submit emissions data. All states are required to submit a comprehensive emissions inventory every three years and report emissions for certain larger sources annually through the EPA's online Emissions Inventory System. States report emissions data for the six criteria pollutants and their associated precursors—nitrogen oxides, sulfur dioxide, ammonia, lead, carbon monoxide, particulate matter, and volatile organic compounds. Many states also voluntarily report emissions of hazardous air pollutants. The EPA compiles the emissions data, supplementing it where necessary, and releases it to the general public through the Web site *https://www.epa.gov/air-emissions-inventories.* Based on the above analysis, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(F) for the 2008 Pb NAAQS.

110(a)(2)(G): Emergency Episodes

CAA section 110(a)(2)(G) requires states to provide for authority to address activities causing imminent and substantial endangerment to public health, including contingency plans to

implement the emergency episode provisions in their SIPs.

State submission: The submission cites AS 46.03.820 *Emergency powers* which provides ADEC with emergency order authority where there is an imminent or present danger to the health or welfare of the people of the state or would result in or be likely to result in irreversible or irreparable damage to the natural resources or environment. The submission also refers to 18 AAC 50.245 *Air Episodes and Advisories* which authorizes ADEC to declare an air alert, air warning, or air advisory to notify the public and prescribe and publicize curtailment action.

EPA analysis: Section 303 of the CAA provides authority to the EPA Administrator to restrain any source from causing or contributing to emissions which present an ''imminent and substantial endangerment to public health or welfare, or the environment.'' The EPA finds that AS 46.03.820 *Emergency Powers* provides emergency order authority comparable to CAA Section 303.

The EPA's regulations for emergency episodes are in 40 CFR part 51 subpart H. The regulations prescribe the requirements for emergency episode plans based on classification of regions in a state for a subset of the criteria pollutants. As indicated in our 2011 Guidance, we note that 40 CFR part 51 subpart H does not apply to Pb. Based on the EPA's experience to date with the Pb NAAQS and designating Pb nonattainment areas, we expect that an emergency episode associated with Pb emissions would be unlikely and, if it were to occur, would be the result of a malfunction or other emergency situation at a relatively large source of Pb. The EPA believes that AS 46.03.820 *Emergency Powers* provides adequate authority to address an emergency situation at a large source of Pb. Based on the foregoing, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(G) for the 2008 Pb NAAQS.

110(a)(2)(H): Future SIP Revisions

CAA section 110(a)(2)(H) requires that SIPs provide for revision of such plan (i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and (ii), except as provided in paragraph 110(a)(3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the SIP is substantially inadequate to attain the NAAQS which it implements or to otherwise comply with any additional requirements under the CAA.

State submission: The submission refers to statutory authority to adopt regulations in order to implement the CAA and the state air quality control program at AS 46.03.020(10)(A) *Powers of the Department* and AS 46.14.010(a) *Emission Control Regulations.* The submission also refers to regulatory authority to implement provisions of the CAA at 18 AAC 50.010 *Ambient Air Quality Standards.* The submission affirms that ADEC regularly updates the Alaska SIP as new NAAQS are promulgated by the EPA.

EPA analysis: As cited above, the Alaska SIP provides for revisions, and in practice, Alaska regularly submits SIP revisions to the EPA to take into account revisions to the NAAQS and other federal regulatory changes. We have approved many revisions to the Alaska SIP, most recently on May 19, 2016 (81 FR 31511), March 18, 2015 (80 FR 14038), September 19, 2014 (79 FR 56268), August 9, 2013 (78 FR 48611), May 9, 2013 (78 FR 27071) and January 7, 2013 (78 FR 900). Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of section 110(a)(2)(H) for the 2008 Pb NAAQS.

110(a)(2)(I): Nonattainment Area Plan Revision Under Part D

EPA analysis: There are two elements identified in CAA section 110(a)(2) not governed by the three-year submission deadline of CAA section 110(a)(1), because SIPs incorporating necessary local nonattainment area controls are not due within three years after promulgation of a new or revised NAAQS, but are rather due at the time of the nonattainment area plan requirements pursuant to section 172 and the various pollutant specific subparts 2—5 of part D. These requirements are: (i) submissions required by CAA section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D, title I of the CAA, and (ii) submissions required by CAA section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, title I of the CAA. As a result, this action does not address infrastructure elements related to CAA section 110(a)(2)(C) with respect to nonattainment NSR or CAA section 110(a)(2)(I).

110(a)(2)(J): Consultation With Government Officials

CAA section 110(a)(2)(J) requires states to provide a process for consultation with local governments and federal land managers carrying out NAAQS implementation requirements pursuant to section 121. CAA section 110(a)(2)(J) further requires states to notify the public if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances. Lastly, CAA section 110(a)(2)(J) requires states to meet applicable requirements of part C, title I of the CAA related to prevention of significant deterioration and visibility protection.

State submission: The submission refers to statutory authority to consult and cooperate with officials of local governments, state and federal agencies, and non-profit groups found at AS 46.030.020 *Powers of the department* paragraphs (3) and (8). The submission states that municipalities and local air quality districts seeking approval for a local air quality control programs shall enter into a cooperative agreement with ADEC according to AS 46.14.400 *Local air quality control programs,* paragraph (d). ADEC can adopt new CAA regulations only after a public hearing, per AS 46.14.010 *Emission control regulations,* paragraph (a). In addition, the submission states that public notice and public hearing regulations for SIP submissions and air quality discharge permits are found at 18 AAC 15.050 and 18 AAC 15.060. Finally, the submission also references the SIP-approved Alaska PSD program and Regional Haze SIP.

EPA analysis: The EPA finds that the Alaska SIP, including the Alaska rules for major source permitting, contains provisions for consulting with government officials as specified in CAA section 121. Alaska's PSD program provides opportunity and procedures for public comment and notice to appropriate federal, state and local agencies. We most recently approved revisions to the Alaska PSD program on May 19, 2016 (81 FR 31511). In addition, we most recently approved the Alaska rules that define transportation conformity consultation on September 8, 2015 (80 FR 53735). On February 14, 2013, we approved the Alaska Regional Haze SIP (78 FR 10546).

ADEC routinely coordinates with local governments, states, federal land managers and other stakeholders on air quality issues including transportation conformity and regional haze, and provides notice to appropriate agencies related to permitting actions. Alaska participates in regional planning processes including the Western Regional Air Partnership which is a voluntary partnership of states, tribes, federal land managers, local air agencies and the EPA formed to evaluate current and evolving regional air quality issues

in the West. Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(J) for consultation with government officials for the 2008 Pb NAAQS.

Section 110(a)(2)(J) also requires the public be notified if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances. ADEC is a partner in the EPA's AIRNOW and Enviroflash Air Quality Alert programs, which provide air quality information to the public for five major air pollutants regulated by the CAA: ground-level ozone, particulate matter, carbon monoxide, sulfur dioxide, and nitrogen dioxide. Alaska also provides real-time air monitoring information to the public on the ADEC air quality Web site at *http://dec.alaska.gov/* in addition to air advisory information. During the summer months, the Fairbanks North Star Borough prepares a weekly Air Quality forecast for the Fairbanks area. The forecast is found at *http://co.fairbanks.ak.us/airquality/.*

While we note that Pb is not part of the EPA air quality alert programs, the Alaska SIP provides general authority at 18 AAC 50.245 *Air Episodes and Advisories* for notifying the public when air quality is degrading. We are therefore proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(J) for public notification for the 2008 Pb NAAQS.

Turning to the requirement in CAA section 110(a)(2)(J) that the SIP meet the applicable requirements of part C of title I of the CAA, we have evaluated this requirement in the context of CAA section 110(a)(2)(C) with respect to permitting. The EPA most recently approved revisions to Alaska's PSD program on May 19, 2016 (81 FR 31511). We are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(J) for PSD for the 2008 Pb NAAQS. We note that our proposed approval of element 110(a)(2)(J) with respect to PSD is not affected by recent court vacaturs of the EPA's PSD implementing regulations. Please see our discussion regarding section 110(a)(2)(C).

With respect to the applicable requirements for visibility protection, the EPA recognizes that states are subject to visibility and regional haze program requirements under part C of the CAA. In the event of the establishment of a new NAAQS, however, the visibility and regional haze program requirements under part C do not change. Thus we find that there is no new applicable requirement related to visibility triggered under CAA section 110(a)(2)(J) when a new NAAQS becomes effective. Based on the analysis above, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(J) for the 2008 Pb NAAQS.

110(a)(2)(K): Air Quality and Modeling/Data

CAA section 110(a)(2)(K) requires that SIPs provide for (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and (ii) the submission, upon request, of data related to such air quality modeling to the Administrator.

State submission: The submission states that air quality modeling is regulated under 18 AAC 50.215(b) *Ambient Air Quality Analysis Methods.* Estimates of ambient concentrations and visibility impairment must be based on applicable air quality models, databases, and other requirements specified in the EPA's Guideline on Air Quality Models are adopted by reference in 18 AAC 50.040 *Federal Standards Adopted by Reference.* Baseline dates and maximum allowable increases are found in Table 2 and Table 3, respectively, at 18 AAC 50.020 *Baseline Dates and Maximum Allowable Increases.*

EPA analysis: On May 19, 2016, we approved revisions to 18 AAC 50.215 *Ambient Air Quality Analysis Methods* and 18 AAC 50.040 *Federal Standards Adopted by Reference* (81 FR 31511). 18 AAC 50.040, at paragraph (f), incorporates by reference the EPA regulations at 40 CFR part 51, Appendix W *Guidelines on Air Quality Models* revised as of July 1, 2013. In addition, as an example of Alaska's modeling capacity, Alaska submitted the Fairbanks Carbon Monoxide Maintenance Plan to the EPA on June 21, 2004, supported by air quality modeling. The maintenance plan and supporting modeling was approved by the EPA as a SIP revision on July 27, 2004 (69 FR 44605). Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(K) for the 2008 Pb NAAQS.

110(a)(2)(L): Permitting Fees

CAA section 110(a)(2)(L) requires SIPs to require each major stationary source to pay permitting fees to cover the cost of reviewing, approving, implementing and enforcing a permit.

State submission: The submission states that ADEC's statutory authority to assess and collect permit fees is established in AS 46.14.240 *Permit Administration Fees* and AS 46.14.250 *Emission Fees.* The permit fees for stationary sources are assessed and collected by the Air Permits Program according to 18 AAC 50, Article 4. ADEC is required to evaluate emission fee rates at least every four years and provide a written evaluation of the findings (AS 46.14.250(g); 18 AAC 50.410).

EPA analysis: The EPA fully approved Alaska's title V program on July 26, 2001 (66 FR 38940) with an effective data of September 24, 2001. While Alaska's operating permit program is not formally approved into the SIP, it is a legal mechanism the state can use to ensure that ADEC has sufficient resources to support the air program, consistent with the requirements of the SIP. Before the EPA can grant full approval, a state must demonstrate the ability to collect adequate fees. The Alaska title V program included a demonstration the state will collect a fee from title V sources above the presumptive minimum in accordance with 40 CFR 70.9(b)(2)(i).

In addition, Alaska's SIP requires fees for purposes of new source permitting. *See* 18 AAC 50.306(d)(2), 18 AAC 50.311(d)(2), 18 AAC 50.544(a)(2), and 18 AAC 50.400. Therefore, we are proposing to conclude that Alaska has satisfied the requirements of CAA section 110(a)(2)(L) for the 2008 Pb NAAQS.

110(a)(2)(M): Consultation/Participation by Affected Local Entities

CAA section 110(a)(2)(M) requires states to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP.

State submission: The submission states ADEC has authority to consult and cooperate with officials and representatives of any organization in the state; and persons, organization, and groups, public and private using, served by, interested in, or concerned with the environment of the state. The submission refers to AS 46.030.020 *Powers of the department,* paragraphs (3) and (8), which provide authority to ADEC to consult and cooperate with affected state and local entities. In addition, AS 46.14.400 *Local air quality control programs,* paragraph (d), provides authority for local air quality control programs and requires cooperative agreements between ADEC and local air quality control programs that specify the respective duties, funding, enforcement responsibilities, and procedures.

EPA analysis: The EPA finds that the Alaska provisions cited above provide for local and regional authorities to participate and consult in the SIP development process. Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(M) for the 2008 Pb NAAQS.

V. Proposed Action

We are proposing to approve the Alaska SIP as meeting the following CAA section 110(a)(2) infrastructure elements for the 2008 Pb NAAQS: (A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). This action is being taken under section 110 of the CAA.

VI. Statutory and Executive Orders Review

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 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 it does not involve technical standards; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

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

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

Dated: May 10, 2017.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

[FR Doc. 2017–10938 Filed 5–30–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2016–0217; FRL–9962–29–Region 4]

Air Plan Approval; South Carolina: Air Emissions Reporting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve changes to the South Carolina State Implementation Plan to address requirements for the reporting of air emissions of criteria air pollutants and their precursors. EPA is proposing to approve a SIP revision submitted on June 14, 2010, by the State of South Carolina, through the South Carolina Department of Health and Environmental Control, and portions of subsequent SIP revisions submitted on August 8, 2014 and November 4, 2016, which further revise the regulations concerning the reporting of emissions. This proposed action is being taken pursuant to the Clean Air Act.

DATES: Written comments must be received on or before June 30, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2016–0217 at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: D. Brad Akers, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Akers can be reached via telephone at (404) 562–9089 or via electronic mail at *akers.brad@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules Section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

Dated: April 27, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

[FR Doc. 2017–10918 Filed 5–30–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R05–OAR–2016–0395; FRL–9963–00–Region 5]

Air Plan Approval; Ohio; Redesignation of the Cleveland Area to Attainment of the 2008 Lead Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On June 29, 2016, the Ohio Environmental Protection Agency (OEPA) submitted a request for the Environmental Protection Agency (EPA) to redesignate the partial Cuyahoga County nonattainment area (known as and referred to as the Cleveland area) to attainment for the 2008 national ambient air quality standards (NAAQS or standards) for lead. EPA determined that the Cleveland area meets the requirements for redesignation and is also proposing to approve several additional related actions. EPA is proposing to approve, as revisions to the Ohio state implementation plan (SIP), reasonably available control measure/reasonably available control technology (RACM/RACT) requirements, emissions inventory requirements, and the state's plan for maintaining the 2008 lead NAAQS through 2030 for the area. EPA is taking these actions in accordance with the Clean Air Act (CAA) and EPA's implementation regulations regarding the 2008 lead NAAQS.

DATES: Comments must be received on or before June 30, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2016–0395 at *http://www.regulations.gov* or via email to *blakley.pamela@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, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, 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: Carolyn Persoon, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8290, *persoon.carolyn@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is proposing to approve 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 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: May 11, 2017.

Cheryl L. Newton,

Acting Regional Administrator, Region 5.

[FR Doc. 2017–10965 Filed 5–30–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52 and 81

[EPA–R05–OAR–2016–0044; FRL–9962–71–Region 5]

Air Plan Approval; Michigan; Redesignation of the Belding Area in Ionia County to Attainment of the 2008 Lead Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the State of Michigan's request to revise the designation of the Belding nonattainment area to attainment of the 2008 National Ambient Air Quality Standards (NAAQS) for lead. EPA is also proposing to approve the related elements of emissions inventories and a maintenance plan. EPA is proposing to approve reasonably available control measure/reasonably available control technology measures and a comprehensive emissions inventory as meeting the Clean Air Act (CAA) requirements. EPA proposes taking these actions in accordance with the CAA and EPA's implementation regulations regarding the 2008 lead NAAQS.

DATES: Comments must be received on or before June 30, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2016–0044 at *http://www.regulations.gov,* or via email to *blakley.pamela@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, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, 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: Matt Rau, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6524, *rau.matthew@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 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: May 4, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

[FR Doc. 2017–10926 Filed 5–30–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[EPA–R06–RCRA–2017–0153; FRL–9962–44–Region 6]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency (EPA)

ACTION: Proposed rule.

SUMMARY: EPA is proposing to grant a petition submitted by ExxonMobil Oil Corporation Beaumont Refinery (ExxonMobil) to exclude (or delist) the secondary impoundment basin solids in Beaumont, Texas from the lists of hazardous wastes. EPA used the Delisting Risk Assessment Software (DRAS) Version 3.0.47 in the evaluation of the impact of the petitioned waste on human health and the environment.

DATES: We will accept comments until June 30, 2017. We will stamp comments received after the close of the comment period as late. These late comments may or may not be considered in formulating a final decision. Your requests for a hearing must reach EPA by June 15, 2017. The request must contain the information prescribed in 40 CFR 260.20(d) (hereinafter all CFR cites refer to 40 CFR unless otherwise stated).

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R06–RCRA–2017–0153, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: For technical information regarding the ExxonMobil Beaumont Refinery petition, contact Michelle Peace at 214–665–7430 or by email at *peace.michelle@epa.gov.*

Your requests for a hearing must reach EPA by June 15, 2017. The request must contain the information described in § 260.20(d).

SUPPLEMENTARY INFORMATION: ExxonMobil submitted a petition under 40 CFR 260.20 and 260.22(a). Section 260.20 allows any person to petition the Administrator to modify or revoke any provision of parts 260 through 266, 268, and 273. Section 260.22(a) specifically provides generators the opportunity to petition the Administrator to exclude a waste on a ''generator specific'' basis from the hazardous waste lists.

EPA bases its proposed decision to grant the petition on an evaluation of waste-specific information provided by the petitioner. This decision, if finalized, would conditionally exclude the petitioned waste from the requirements of hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA).

If finalized, EPA would conclude that ExxonMobil's petitioned waste is non-hazardous with respect to the original listing criteria. EPA would also conclude that ExxonMobil's process minimizes short-term and long-term threats from the petitioned waste to human health and the environment.

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VI. Statutory and Executive Order Reviews

I. Overview Information

A. What action is EPA proposing?

EPA is proposing to approve the delisting petition submitted by ExxonMobil to have the secondary impoundment basin (SIB) solids excluded, or delisted from the definition of a hazardous waste. The SIB solids are listed as F037 (primary oil/water/solids separation sludge); and F038 (secondary oil/water/solids separation sludge).

B. Why is EPA proposing to approve this delisting?

ExxonMobil's petition requests an exclusion from the F037 and F038 waste listings pursuant to 40 CFR 260.20 and 260.22. ExxonMobil does not believe that the petitioned waste meets the criteria for which EPA listed it. ExxonMobil also believes no additional constituents or factors could cause the waste to be hazardous. EPA's review of this petition included consideration of the original listing criteria and the additional factors required by the Hazardous and Solid Waste Amendments of 1984 (HSWA). See section 3001(f) of RCRA, 42 U.S.C. 6921(f), and 40 CFR 260.22(d)(1)–(4) (hereinafter all sectional references are to 40 CFR unless otherwise indicated). In making the initial delisting determination, EPA evaluated the petitioned waste against the listing criteria and factors cited in §§ 261.11(a)(2) and (a)(3). Based on this review, EPA agrees with the petitioner that the waste is non-hazardous with respect to the original listing criteria. If EPA had found, based on this review, that the waste remained hazardous based on the factors for which the waste was originally listed, EPA would have proposed to deny the petition. EPA evaluated the waste with respect to other factors or criteria to assess whether there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. EPA considered whether the waste is acutely toxic, the concentration of the constituents in the waste, their tendency to migrate and to bioaccumulate, their persistence in the environment once released from the waste, plausible and specific types of management of the petitioned waste, the quantities of waste generated, and waste variability. EPA believes that the petitioned waste does not meet the listing criteria and thus should not be a listed waste. EPA's proposed decision to delist waste from ExxonMobil is based on the information submitted in support of this rule, including descriptions of the wastes and analytical data from the Beaumont, Texas facility.

C. How will ExxonMobil manage the waste if it is delisted?

If the SIB solids are delisted, contingent upon approval of the delisting petition, storage containers with SIB solids will be transported to an authorized, solid waste landfill (*e.g.* RCRA Subtitle D landfill, commercial/industrial solid waste landfill, etc.) for disposal.

D. When would the proposed delisting exclusion be finalized?

RCRA section 3001(f) specifically requires EPA to provide a notice and an opportunity for comment before granting or denying a final exclusion. Thus, EPA will not grant the exclusion until it addresses all timely public comments (including those at public hearings, if any) on this proposal.

RCRA section 3010(b)(1) at 42 USCA 6930(b)(1), allows rules to become effective in less than six months when the regulated facility does not need the six-month period to come into compliance. That is the case here, because this rule, if finalized, would reduce the existing requirements for persons generating hazardous wastes.

EPA believes that this exclusion should be effective immediately upon final publication because a six-month deadline is not necessary to achieve the purpose of section 3010(b), and a later effective date would impose unnecessary hardship and expense on this petitioner. These reasons also provide good cause for making this rule effective immediately, upon final publication, under the Administrative Procedure Act, 5 U.S.C. 553(d).

E. How would this action affect the states?

Because EPA is issuing this exclusion under the Federal RCRA delisting program, only states subject to Federal RCRA delisting provisions would be affected. This would exclude states which have received authorization from EPA to make their own delisting decisions.

EPA allows states to impose their own non-RCRA regulatory requirements that are more stringent than EPA's, under section 3009 of RCRA, 42 U.S.C.6929. These more stringent requirements may include a provision that prohibits a Federally issued exclusion from taking effect in the state. Because a dual system (that is, both Federal (RCRA) and state (non-RCRA) programs) may regulate a petitioner's waste, EPA urges petitioners to contact the state regulatory authority to establish the status of their wastes under the state law.

EPA has also authorized some states (for example, Louisiana, Oklahoma, Georgia, Illinois) to administer a RCRA delisting program in place of the Federal program, that is, to make state delisting decisions. Therefore, this exclusion does not apply in those authorized states unless that state makes the rule part of its authorized program. If ExxonMobil transports the petitioned waste to or manages the waste in any state with delisting authorization, ExxonMobil must obtain delisting authorization from that state before it can manage the waste as non-hazardous in the state.

II. Background

A. What is the history of the delisting program?

EPA published an amended list of hazardous wastes from non-specific and specific sources on January 16, 1981, as part of its final and interim final regulations implementing section 3001 of RCRA. EPA has amended this list several times and published it in 40 CFR 261.31 and 261.32.

EPA lists these wastes as hazardous because: (1) The wastes typically and frequently exhibit one or more of the characteristics of hazardous wastes identified in subpart C of part 261 (that is, ignitability, corrosivity, reactivity, and toxicity), (2) the wastes meet the criteria for listing contained in § 261.11(a)(2) or (a)(3), or (b) the wastes are mixed with or derived from the treatment, storage or disposal of such characteristic and listed wastes and which therefore become hazardous under § 261.3(a)(2)(iv) or (c)(2)(i), known as the ''mixture'' or ''derived-from'' rules, respectively.

Individual waste streams may vary, however, depending on raw materials, industrial processes, and other factors. Thus, while a waste described in these regulations or resulting from the operation of the mixture or derived-from rules generally is hazardous, a specific waste from an individual facility may not be hazardous.

For this reason, 40 CFR 260.20 and 260.22 provide an exclusion procedure, called delisting, which allows persons to prove that EPA should not regulate a specific waste from a particular generating facility as a hazardous waste.

B. What is a delisting petition, and what does it require of a petitioner?

A delisting petition is a request from a facility to EPA or an authorized state to exclude wastes from the list of hazardous wastes. The facility petitions EPA because it does not consider the wastes hazardous under RCRA regulations.

In a delisting petition, the petitioner must show that wastes generated at a

particular facility do not meet any of the criteria for which the waste was listed. The criteria for which EPA lists a waste are in part 261 and further explained in the background documents for the listed waste.

In addition, under 40 CFR 260.22, a petitioner must prove that the waste does not exhibit any of the hazardous waste characteristics (that is, ignitability, reactivity, corrosivity, and toxicity) and present sufficient information for EPA to decide whether factors other than those for which the waste was listed warrant retaining it as a hazardous waste. (See part 261 and the background documents for the listed waste.)

Generators remain obligated under RCRA to confirm whether their waste remains non-hazardous based on the hazardous waste characteristics even if EPA has ''delisted'' the waste.

C. What factors must EPA consider in deciding whether to grant a delisting petition?

Besides considering the criteria in 40 CFR 260.22(a) and section 3001(f) of RCRA, 42 U.S.C. 6921(f), and in the background documents for the listed wastes, EPA must consider any factors (including additional constituents) other than those for which EPA listed the waste, if a reasonable basis exists that these additional factors could cause the waste to be hazardous.

EPA must also consider as hazardous waste mixtures containing listed hazardous wastes and wastes derived from treating, storing, or disposing of listed hazardous waste. See § 261.3(a)(2)(iii and iv) and (c)(2)(i), called the ''mixture'' and ''derived-from'' rules, respectively. These wastes are also eligible for exclusion and remain hazardous wastes until excluded. See 66 FR 27266 (May 16, 2001).

III. EPA's Evaluation of the Waste Information and Data

A. What waste did ExxonMobil petition EPA to Delist?

In August 2016, ExxonMobil petitioned EPA to exclude from the lists of hazardous wastes contained in §§ 261.31 and 261.32, SIB solids (F037, F038) generated from its facility located in Beaumont, Texas. The waste falls under the classification of listed waste pursuant to §§ 261.31 and 261.32. Specifically, in its petition, ExxonMobil requested that EPA grant a one-time exclusion for 400,000 cubic yards of as generated wet SIB solids.

B. Who is ExxonMobil and what process does it use to generate the petitioned waste?

ExxonMobil Beaumont Refinery processes crude oil in the production of a number of petroleum products, including fuels and chemical feedstocks. The petitioned waste, SIB solids, originated from both historical and current operation of the wastewater treatment system at the refinery. To the extent possible, hydrocarbons present in refinery wastewaters have been recovered. However, historically more hydrocarbons passed through the ''oil recovery system'' and flowed into the SIB. Hydrocarbons in the wastewater can result from various sources (*e.g.* crude oil). Over time, more of the oily streams were routed to storage tanks from collection system piping and/or smaller tanks for interception and recovery instead of into the SIB. Recovered oil from the oil recovery system is stored in tanks prior to being reintroduced into the refining process. Historically, these oily flows occurred in conjunction with facility operations, were relatively routine in nature, and not directly associated with precipitation. As such, they were classified by EPA as ''dry weather'' flows. By contrast, wastewater directly associated with precipitation (*i.e.* storm water) is referred to as ''wet weather'' flows. The EPA listing criteria for F037 generally encompasses primary solids associated with dry-weather, oily flows, and the EPA listing criteria for F038 generally encompasses secondary solids associated with dry-weather, oily flows. During the early 1990s, ExxonMobil implemented a program to identify and mitigate dry weather flows to the SIB, and those flows have since been eliminated. Since the SIB historically received dry-weather, oily flows as specified in the November 2, 1990 **Federal Register** rule publication, the lower stratum of solids within the pond are believed to be classified as F037 when generated. Dry-weather, oily flows have since been eliminated from reaching the SIB. However, creating a definitive ''bright line'' in the solid stratum is not practical, so ExxonMobil assumes that solids removed from the SIB bear the F037 (primary oil/water/solids separation sludge) listing when generated. Although it is not believed that the F038 (secondary oil/water/solids separation sludge) listing would apply, ExxonMobil has conservatively elected to also include this listing as part of the delisting effort.

C. How did ExxonMobil sample and analyze the data in this petition?

To support its petition, ExxonMobil submitted:

(1) Historical information on waste generation and management practices; and

(2) Analytical results from thirty-nine samples for total and TCLP concentrations of compounds of concern (COC)s;

D. What were the results of ExxonMobil's analysis?

EPA believes that the descriptions of the ExxonMobil analytical characterization provide a reasonable basis to grant ExxonMobil's petition for an exclusion of the SIB solids. EPA believes the data submitted in support of the petition show the SIB solids are non-hazardous. Analytical data for the SIB solids samples were used in the DRAS to develop delisting levels. The data summaries for COCs are presented in Table I. EPA has reviewed the sampling procedures used by ExxonMobil and has determined that it satisfies EPA criteria for collecting representative samples of the variations in constituent concentrations in the SIB solids. In addition, the data submitted in support of the petition show that constituents in ExxonMobil's waste are presently below health-based levels used in the delisting decision-making. EPA believes that ExxonMobil has successfully demonstrated that the SIB solids are non-hazardous.

TABLE 1—ANALYTICAL RESULTS/MAXIMUM ALLOWABLE DELISTING CONCENTRATION

Secondary Impoundment Basin (SIB) Solids ExxonMobil Beaumont Refinery, Beaumont, Texas

Constituent	Maximum total concentration (mg/kg)	Maximum TCLP concentration (mg/L)	Maximum TCLP delisting level (mg/L)
Antimony	4.84	0.023	.109
Arsenic	33.6	0.077	.424
Barium	455	1.47	36

TABLE 1—ANALYTICAL RESULTS/MAXIMUM ALLOWABLE DELISTING CONCENTRATION—Continued

Secondary Impoundment Basin (SIB) Solids ExxonMobil Beaumont Refinery, Beaumont, Texas

Constituent	Maximum total concentration (mg/kg)	Maximum TCLP concentration (mg/L)	Maximum TCLP delisting level (mg/L)
Beryllium	1.38	<0.002	2.0
Cadmium	2.05	<0.002	0.09
Chromium	697	0.205	2.27
Cobalt	19.4	0.0371	0.214
Lead	400	0.656	0.702
Mercury	3.61	0.000049	0.068
Nickel	68.2	0.152	13.5
Selenium	28.7	0.0177	0.890
Silver	1.23	0.002	5.0
Vanadium	90.7	0.0815	3.77
Zinc	2470	5.43	197
2,4 Dimethylphenol	0.97	0.0018	11.3
2-Methylphenol	0<0.71	<.000033	28.9
3-Methylphenol	<0.64	0.002	28.9
4-Methylphenol	<0.64	0.00047	2.89
Acenaphthene	1.7	0.00091	10.6
Anthracene	2.9	0.00019	25.9
Benz(a)anthracene	7.2	0.000034	0.07
Benz(a)pyrene	5	<0.00003	26.3
Bis(2-ethylhexyl)phthalate	34	0.0002	106,000
Chrysene	19	0.000048	7.01
Di-n-butyl phthalate	0.66	0.0013	24.6
Fluoranthene	2.1	0.000078	2.46
Fluorene	4.9	0.0016	4.91
Indeno(1,2,3-cd)pyrene	2.6	<0.000051	73
Naphthalene	26	0.02	0.0327
Phenol	<0.71	0.00025	173
Pyrene	N/A	0.00019	4.45
Benzene	1.1	<0.004	0.077
Xylenes, total	53	0.18	9.56

Notes: These levels represent the highest constituent concentration found in any one sample and does not necessarily represent the specific level found in one sample.

E. How did EPA evaluate the risk of delisting the waste?

For this delisting determination, EPA used such information gathered to identify plausible exposure routes (*i.e.* groundwater, surface water, air) for hazardous constituents present in the petitioned waste. EPA determined that disposal in a surface impoundment is the most reasonable, worst-case disposal scenario for ExxonMobil's petitioned waste. EPA applied the Delisting Risk Assessment Software (DRAS) described in 65 FR 58015 (September 27, 2000) and 65 FR 75637 (December 4, 2000), to predict the maximum allowable concentrations of hazardous constituents that may be released from the petitioned waste after disposal and determined the potential impact of the disposal of ExxonMobil's petitioned waste on human health and the environment. A copy of this software can be found on the world wide web at *http://www.epa.gov/reg5rcra/wptdiv/hazardous/delisting/dras-software.html.* In assessing potential risks to groundwater, EPA used the maximum waste volumes and the maximum reported extract concentrations as inputs to the DRAS program to estimate the constituent concentrations in the groundwater at a hypothetical receptor well down gradient from the disposal site. Using the risk level (carcinogenic risk of 10^{-5} and non-cancer hazard index of 1.0), the DRAS program can back-calculate the acceptable receptor well concentrations (referred to as compliance-point concentrations) using standard risk assessment algorithms and EPA health-based numbers. Using the maximum compliance-point concentrations and EPA's Composite Model for Underflow water Migration with Transformation Products (EPACMTP) fate and transport modeling factors, the DRAS further back-calculates the maximum permissible waste constituent concentrations not expected to exceed the compliance-point concentrations in groundwater.

EPA believes that the EPACMTP fate and transport model represents a reasonable worst-case scenario for possible groundwater contamination resulting from disposal of the petitioned waste in a surface impoundment, and that a reasonable worst-case scenario is appropriate when evaluating whether a waste should be relieved of the protective management constraints of RCRA Subtitle C. The use of some reasonable worst-case scenarios resulted in conservative values for the compliance-point concentrations and ensures that the waste, once removed from hazardous waste regulation, will not pose a significant threat to human health or the environment.

The DRAS also uses the maximum estimated waste volumes and the maximum reported total concentrations to predict possible risks associated with releases of waste constituents through surface pathways (*e.g.* volatilization from the impoundment). As in the above groundwater analyses, the DRAS uses the risk level, the health-based data and standard risk assessment and exposure algorithms to predict maximum compliance-point concentrations of waste constituents at a hypothetical point of exposure. Using fate and transport equations, the DRAS uses the maximum compliance-point concentrations and back-calculates the maximum allowable waste constituent concentrations (or ''delisting levels'').

In most cases, because a delisted waste is no longer subject to hazardous waste control, EPA is generally unable to predict, and does not presently control, how a petitioner will manage a waste after delisting. Therefore, EPA currently believes that it is inappropriate to consider extensive site-specific factors when applying the fate and transport model. EPA does control the type of unit where the waste is disposed. The waste must be disposed in the type of unit the fate and transport model evaluates.

The DRAS results which calculate the maximum allowable concentration of chemical constituents in the waste are presented in Table I. Based on the comparison of the DRAS and TCLP Analyses results found in Table I, the petitioned waste should be delisted because no constituents of concern tested are likely to be present or formed as reaction products or by-products in ExxonMobil waste.

F. What did EPA conclude about ExxonMobil's waste analysis?

EPA concluded, after reviewing ExxonMobil's processes that no other hazardous constituents of concern, other than those for which tested, are likely to be present or formed as reaction products or by-products in the waste. In addition, on the basis of explanations and analytical data provided by ExxonMobil, pursuant to § 260.22, EPA concludes that the petitioned waste do not exhibit any of the characteristics of ignitability, corrosivity, reactivity or toxicity. See §§ 261.21, 261.22 and 261.23, respectively.

G. What other factors did EPA consider in its evaluation?

During the evaluation of ExxonMobil's petition, EPA also considered the potential impact of the petitioned waste via non-groundwater routes (*i.e.* air emission and surface runoff). With regard to airborne dispersion in particular, EPA believes that exposure to airborne contaminants from ExxonMobil's petitioned waste is unlikely. Therefore, no appreciable air releases are likely from ExxonMobil's waste under any likely disposal conditions. EPA evaluated the potential hazards resulting from the unlikely scenario of airborne exposure to hazardous constituents released from ExxonMobil's waste in an open landfill. The results of this worst-case analysis indicated that there is no substantial present or potential hazard to human health and the environment from airborne exposure to constituents from ExxonMobil's SIB solids.

H. What is EPA's evaluation of this delisting petition?

The descriptions of ExxonMobil's hazardous waste process and analytical characterization provide a reasonable basis for EPA to grant the exclusion. The data submitted in support of the petition show that constituents in the waste are below the leachable concentrations (see Table I). EPA believes that ExxonMobil's SIB solids will not impose any threat to human health and the environment.

Thus, EPA believes ExxonMobil should be granted an exclusion for the SIB solids. EPA believes the data submitted in support of the petition show ExxonMobil's SIB solids are non-hazardous. The data submitted in support of the petition show that constituents in ExxonMobil's waste are presently below the compliance point concentrations used in the delisting decision and would not pose a substantial hazard to the environment. EPA believes that ExxonMobil has successfully demonstrated that the SIB solids are non-hazardous.

EPA therefore, proposes to grant an exclusion to ExxonMobil in Beaumont, Texas, for the SIB solids described in its petition. EPA's decision to exclude this waste is based on descriptions of the treatment activities associated with the petitioned waste and characterization of the SIB solids.

If EPA finalizes the proposed rule, EPA will no longer regulate the petitioned waste under Parts 262 through 268 and the permitting standards of Part 270.

IV. Next Steps

A. With what conditions must the petitioner comply?

The petitioner, ExxonMobil, must comply with the requirements in 40 CFR part 261, appendix IX, Table 1. The text below gives the rationale and details of those requirements.

(1) *Delisting Levels:*

This paragraph provides the levels of constituents for which ExxonMobil must test the SIB solids, below which these wastes would be considered non-hazardous. EPA selected the set of inorganic and organic constituents specified in paragraph (1) of 40 CFR part 261, Appendix IX, Table 1, (the exclusion language) based on information in the petition. EPA compiled the inorganic and organic constituents list from the composition of the waste, descriptions of ExxonMobil's treatment process, previous test data provided for the waste, and the respective health-based levels used in delisting decision-making. These delisting levels correspond to the allowable levels measured in the TCLP concentrations.

(2) *Waste Holding and Handling:*

The purpose of this paragraph is to ensure that ExxonMobil manages and disposes of any SIB solids that contains hazardous levels of inorganic and organic constituents according to Subtitle C of RCRA. Managing the SIB solids as a hazardous waste until the verification testing is performed will protect against improper handling of hazardous material. If EPA determines that the data collected under this paragraph do not support the data provided for in the petition, the exclusion will not cover the petitioned waste. The exclusion is effective upon publication in the **Federal Register** but the disposal as non-hazardous cannot begin until the verification sampling is completed.

(3) *Verification Testing Requirements:*

ExxonMobil must complete a rigorous verification testing program on the SIB solids to assure that the solids do not exceed the maximum levels specified in paragraph (1) of the exclusion language. This verification program will occur as wastes are removed from the basin and scheduled for disposal. The volume of wastes removed from the basin may not exceed 400,000 cubic yards of as generated wet SIB solids material. Any as generated SIB solids waste in excess of 400,000 cubic yards must be disposed as hazardous waste if EPA determines that the data collected under this paragraph do not support the data provided for the petition, the exclusion will not cover the generated wastes. If the data from the verification testing program demonstrate that the SIB solids meet the delisting levels, ExxonMobil may commence disposing of the solids for a period of one year. EPA will notify ExxonMobil in writing, if and when it begins and ends disposal of the SIB solids.

(4) *Data Submittals:*

To provide appropriate documentation that ExxonMobil's SIB solids meet the delisting levels, ExxonMobil must compile, summarize, and keep delisting records on-site for a minimum of five years. It should keep all analytical data obtained through paragraph (3) of the exclusion language including quality control information for five years. Paragraph (4) of the exclusion language requires that ExxonMobil furnish these data upon request for inspection by any employee or representative of EPA or the State of Texas.

If the proposed exclusion is made final, it will apply only to 400,000 cubic yards of as generated wet SIB solids

generated at the ExxonMobil Beaumont Refinery after successful verification testing. EPA would require ExxonMobil to file a new delisting petition for waste generated in excess of the as generated wet 400,000 cubic yards and treat the solids as hazardous waste:

ExxonMobil must manage waste volumes greater than as generated wet 400,000 cubic yards of the SIB solids as hazardous until EPA grants a new exclusion.

When this exclusion becomes final, ExxonMobil's management of the wastes covered by this petition would be relieved from Subtitle C jurisdiction, the SIB solids from ExxonMobil will be disposed of in an authorized, solid waste landfill (*e.g.* RCRA Subtitle D landfill, commercial/industrial solid waste landfill, etc.).

(5) *Reopener:*

The purpose of paragraph (6) of the exclusion language is to require ExxonMobil to disclose new or different information related to a condition at the facility or disposal of the waste, if it is pertinent to the delisting. ExxonMobil must also use this procedure, if the waste sample in the annual testing fails to meet the levels found in paragraph (1). This provision will allow EPA to reevaluate the exclusion, if a source provides new or additional information to EPA. EPA will evaluate the information on which EPA based the decision to see if it is still correct, or if circumstances have changed so that the information is no longer correct or would cause EPA to deny the petition, if presented. This provision expressly requires ExxonMobil to report differing site conditions or assumptions used in the petition, in addition to failure to meet the annual testing conditions within 10 days of discovery. If EPA discovers such information itself or from a third party, it can act on it as appropriate. The language being proposed is similar to those provisions found in RCRA regulations governing no-migration petitions at § 268.6.

EPA believes that it has the authority under RCRA and the Administrative Procedures Act (APA), 5 U.S.C. 551 (1978) *et seq.,* to reopen a delisting decision. EPA may reopen a delisting decision when it receives new information that calls into question the assumptions underlying the delisting.

EPA believes a clear statement of its authority in delistings is merited, in light of EPA's experience. See Reynolds Metals Company at 62 FR 37694 and 62 FR 63458 where the delisted waste leached at greater concentrations in the environment than the concentrations predicted when conducting the TCLP, thus leading EPA to repeal the delisting. If an immediate threat to human health and the environment presents itself, EPA will continue to address these situations on a case-by-case basis. Where necessary, EPA will make a good cause finding to justify emergency rulemaking. *See* APA section 553 (b).

(6) *Notification Requirements:*

In order to adequately track wastes that have been delisted, EPA is requiring that ExxonMobil provide a one-time notification to any state regulatory agency through which or to which the delisted waste is being carried. ExxonMobil must provide this notification sixty (60) days before commencing this activity.

B. What happens if ExxonMobil violates the terms and conditions?

If ExxonMobil violates the terms and conditions established in the exclusion, EPA will start procedures to withdraw the exclusion. Where there is an immediate threat to human health and the environment, EPA will evaluate the need for enforcement activities on a case-by-case basis. EPA expects ExxonMobil to conduct the appropriate waste analysis and comply with the criteria explained above in paragraph (1) of the exclusion.

V. Public Comments

A. How can I as an interested party submit comments?

EPA is requesting public comments on this proposed decision. Please send three copies of your comments. Send two copies to Kishor Fruitwala, Section Chief (6MM–RP), Multimedia Division, Environmental Protection Agency (EPA), 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202. Identify your comments at the top with this regulatory docket number: ''EPA–R6–RCRA–2017–0153, ExxonMobil Beaumont Refinery Secondary Impoundment Basin Solids delisting.'' You may submit your comments electronically to Michelle Peace at *peace.michelle@epa.gov.*

You should submit requests for a hearing to Kishor Fruitwala, Section Chief (6MM–RP), Multimedia Division, Environmental Protection Agency (EPA), 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202.

B. How may I review the docket or obtain copies of the proposed exclusion?

You may review the RCRA regulatory docket for this proposed rule at the Environmental Protection Agency Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202. It is available for viewing in EPA Freedom of Information Act Review Room from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. Call (214) 665–6444 for appointments. The public may copy material from any regulatory docket at no cost for the first 100 pages, and at fifteen cents per page for additional copies. Docket materials may be available either electronically in *http://www.regulations.gov* and you may also request the electronic files of the docket which do not appear on regulations.gov.

VI. Statutory and Executive Order Reviews

Under Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), this rule is not of general applicability and therefore, is not a regulatory action subject to review by the Office of Management and Budget (OMB). This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) because it applies to a particular facility only. Because this rule is of particular applicability relating to a particular facility, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202, 204, and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Because this rule will affect only a particular facility, it will not significantly or uniquely affect small governments, as specified in section 203 of UMRA. Because this rule will affect only a particular facility, this proposed rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, ''Federalism'', (64 FR 43255, August 10, 1999). Thus, Executive Order 13132 does not apply to this rule.

Similarly, because this rule will affect only a particular facility, this proposed rule does not have tribal implications, as specified in Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000). Thus, Executive Order 13175 does not apply to this rule. This rule also is not subject to Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant as defined in Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks

addressed by this action present a disproportionate risk to children. The basis for this belief is that the Agency used DRAS, which considers health and safety risks to children, to calculate the maximum allowable concentrations for this rule. This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866. This rule does not involve technical standards; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988, ''Civil Justice Reform'', (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct.

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. Section 804 exempts from section 801 the following types of rules: (1) Rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties (5 U.S.C. 804(3)). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability. Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. The Agency's risk assessment did not identify risks from management of this material in an authorized, solid waste landfill (*e.g.* RCRA Subtitle D landfill, commercial/industrial solid waste landfill, etc.). Therefore, EPA believes that any populations in proximity of the landfills used by this facility should not be adversely affected by common waste management practices for this delisted waste.

Lists of Subjects in 40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Authority: Sec. 3001(f) RCRA, 42 U.S.C. 6921(f).

Dated: May 2, 2017.

Wren Stenger,

Director, Multimedia Division, Region 6.

For the reasons set out in the preamble, 40 CFR part 261 is proposed to be amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

■ 1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y) and 6938.

■ 2. In table 1 of appendix IX to part 261 add the entry ''ExxonMobil'' in alphabetical order to read as follows:

Appendix IX to Part 261—Wastes Excluded Under §§ 260.20 and 260.22

TABLE 1—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
*	*	* * * * *
ExxonMobil	Beaumont, TX	Secondary Impoundment Basin Solids (SIB) (EPA Hazardous Waste Numbers F037 and F038) generated at a maximum rate of as generated wet 400,000 cubic yards. For the exclusion to be valid, ExxonMobil must implement a verification testing program for each of the waste streams that meets the following Paragraphs: (1) Delisting Levels: All concentrations for those constituents must not exceed the maximum allowable concentrations in mg/l specified in this paragraph. Secondary Impoundment Basin Solids (SIB). Leachable Concentrations (mg/l): Antimony—0.109; Arsenic—0.424; Barium-36; Beryllium—2.0 Cadmium-0.09; Chromium-2.27; Cobalt-0.214; Lead-0.702; Mercury-0.068; Nickel-13.5; Selenium-0.890; Silver-5.0; Vanadium-3.77; Zinc-197; 2,4 Dimethylphenol-11.3; 2-Methylphenol-28.9; 3-Methylphenol-28.9; 4-Methylphenol-2.89; Acenaphthene-10.6; Anthracene-25.9; Benz(a)anthracene-0.07; Benz(a)pyrene-26.3; Bis(2-ethylhexyl) phthalate-106,000 Chrysene-7.01; Di-n-butyl phthalate-24.6; Fluoranthene-2.46; Fluorene-4.91 Indeno (1,2,3-cd) pyrene-73; Naphthalene-0.0327; Phenol—173; Pyrene-4.45; Benzene-0.077; Xylenes, total-9.56 (2) Waste Holding and Handling: (A) Waste classification as non-hazardous cannot begin until compliance with the limits set in paragraph (1) for the SIB solids are verified. (B) If constituent levels in any sample and retest sample taken by ExxonMobil exceed any of the delisting levels set in paragraph (1) for the SIB solids, ExxonMobil must do the following: (i) notify EPA in accordance with paragraph (5) and (ii) manage and dispose the SIB solids as hazardous waste generated under Subtitle C of RCRA. (3) Testing Requirements:

TABLE 1—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		ExxonMobil must perform analytical testing by sampling and analyzing the SIB solids as follows: (i) Collect a representative sample of the SIB solids for analysis of all constituents listed in paragraph (1) prior to disposal. (ii) The samples for the annual testing shall be a representative sample according to appropriate methods. As applicable to the method-defined parameters of concern, analyses requiring the use of SW–846 methods incorporated by reference in 40 CFR 260.11 must be used without substitution. As applicable, the SW–846 methods might include Methods 0010, 0011, 0020, 0023A, 0030, 0031, 0040, 0050, 0051, 0060, 0061, 1010A, 1020B,1110A, 1310B, 1311, 1312, 1320, 1330A, 9010C, 9012B, 9040C, 9045D, 9060A, 9070A (uses EPA Method 1664, Rev. A), 9071B, and 9095B. Methods must meet Performance Based Measurement System Criteria in which the Data Quality Objectives are to demonstrate that samples of the ExxonMobil SIB solids are representative for all constituents listed in paragraph (1). (4) Data Submittals: ExxonMobil must submit the information described below. If ExxonMobil fails to submit the required data within the specified time or maintain the required records on-site for the specified time, EPA, at its discretion, will consider this sufficient basis to reopen the exclusion as described in paragraph(6). ExxonMobil must: (A) Submit the data obtained through paragraph 3 to the Section Chief, 6MM–RP, Multimedia Division, U. S. Environmental Protection Agency Region 6, 1445 Ross Ave., Suite 1200, Dallas, Texas 75202, within the time specified. All supporting data can be submitted on CD–ROM or comparable electronic media. (B) Compile records of analytical data from paragraph (3), summarized, and maintained on-site for a minimum of five years. (C) Furnish these records and data when either EPA or the State of Texas requests them for inspection. (D) Send along with all data a signed copy of the following certification statement, to attest to the truth and accuracy of the data submitted: ''Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Federal Code, which include, but may not be limited to, 18 U.S.C. 1001 and 42 U.S.C. 6928), I certify that the information contained in or accompanying this document is true, accurate and complete. As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate and complete. If any of this information is determined by EPA in its sole discretion to be false, inaccurate or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by EPA and that the company will be liable for any actions taken in contravention of the company's RCRA and CERCLA obligations premised upon the company's reliance on the void exclusion.'' (5) Reopener (A) If, anytime after disposal of the delisted waste ExxonMobil possesses or is otherwise made aware of any environmental data (including but not limited to underflow water data or ground water monitoring data) or any other data relevant to the delisted waste indicating that any constituent identified for the delisting verification testing is at level higher than the delisting level allowed by the Division Director in granting the petition, then the facility must report the data, in writing, to the Division Director within 10 days of first possessing or being made aware of that data. (B) If either the verification testing (and retest, if applicable) of the waste does not meet the delisting requirements in paragraph 1, ExxonMobil must report the data, in writing, to the Division Director within 10 days of first possessing or being made aware of that data. (C) If ExxonMobil fails to submit the information described in paragraphs (5),(6)(A) or (6)(B) or if any other information is received from any source, the Division Director will make a preliminary determination as to whether the reported information requires EPA action to protect human health and/or the environment. Further action may include suspending, or revoking the exclusion, or other appropriate response necessary to protect human health and the environment. (D) If the Division Director determines that the reported information requires action by EPA, the Division Director will notify the facility in writing of the actions the Division Director believes are necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing the facility with an opportunity to present information as to why the proposed EPA action is not necessary. The facility shall have 10 days from receipt of the Division Director's notice to present such information.

TABLE 1—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		(E) Following the receipt of information from the facility described in paragraph (6)(D) or (if no information is presented under paragraph (6)(D)) the initial receipt of information described in paragraphs (5), (6)(A) or (6)(B), the Division Director will issue a final written determination describing EPA actions that are necessary to protect human health and/or the environment. Any required action described in the Division Director's determination shall become effective immediately, unless the Division Director provides otherwise. (6) Notification Requirements: ExxonMobil must do the following before transporting the delisted waste. Failure to provide this notification will result in a violation of the delisting petition and a possible revocation of the decision. (A) Provide a one-time written notification to any state Regulatory Agency to which or through which it will transport the delisted waste described above for disposal, 60 days before beginning such activities. (B) For onsite disposal, a notice should be submitted to the State to notify the State that disposal of the delisted materials has begun. (C) Update one-time written notification, if it ships the delisted waste into a different disposal facility. (D) Failure to provide this notification will result in a violation of the delisting exclusion and a possible revocation of the decision.
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[FR Doc. 2017–11231 Filed 5–30–17; 8:45 am]

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Notices

Federal Register
Vol. 82, No. 103
Wednesday, May 31, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Notice of Public Meeting of the Assembly of the Administrative Conference of the United States

AGENCY: Administrative Conference of the United States.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act, the Assembly of the Administrative Conference of the United States will hold a meeting to consider two proposed recommendations and to conduct other business. This meeting will be open to the public.

DATES: The meeting will take place on Friday, June 16, 2017, 10:00 a.m. to 2:00 p.m. The meeting may adjourn early if all business is finished.

ADDRESSES: The meeting will be held at the Constitution Center, 400 7th Street, SW., Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Shawne McGibbon, General Counsel (Designated Federal Officer), Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW., Washington, DC 20036; Telephone 202–480–2088; email *smcgibbon@acus.gov.*

SUPPLEMENTARY INFORMATION: The Administrative Conference of the United States makes recommendations to federal agencies, the President, Congress, and the Judicial Conference of the United States regarding the improvement of administrative procedures (5 U.S.C. 594). The membership of the Conference, when meeting in plenary session, constitutes the Assembly of the Conference (5 U.S.C. 595).

Agenda: The Assembly will consider two proposed recommendations as described below:

Adjudication Materials on Agency Web sites. This proposed recommendation provides guidance regarding the online dissemination of administrative adjudication materials. It offers best practices and factors for agencies to consider as they seek to increase the accessibility of adjudication materials on their Web sites and maintain comprehensive, representative online collections of adjudication materials, consistent with the transparency objectives and privacy considerations of the Freedom of Information Act and other relevant laws and directives.

Negotiated Rulemaking. This proposed recommendation offers best practices to agencies for choosing the most appropriate of several methods—among them negotiated rulemaking—to engage the public in agency rulemakings. It also offers best practices to agencies that choose negotiated rulemaking on how to structure their processes to enhance the probability of success.

Additional information about the proposed recommendations and the order of the agenda, as well as other materials related to the meeting, can be found at the 67th Plenary Session page on the Conference's Web site: *https://www.acus.gov/meetings-and-events/plenary-meeting/67th-plenary-session.*

Public Participation: The Conference welcomes the attendance of the public at the meeting, subject to space limitations, and will make every effort to accommodate persons with disabilities or special needs. Members of the public who wish to attend in person are asked to RSVP online at the 67th Plenary Session Web page shown above, no later than two days before the meeting, in order to facilitate entry. Members of the public who attend the meeting may be permitted to speak only with the consent of the Chairman and the unanimous approval of the members of the Assembly. If you need special accommodations due to disability, please inform the Designated Federal Officer noted above at least 7 days in advance of the meeting. The public may also view the meeting through a live webcast, which will be available at: *https://livestream.com/ACUS/67th Plenary.*

Written Comments: Persons who wish to comment on any of the proposed recommendations may do so by submitting a written statement either online by clicking ''Submit a Comment'' on the 67th Plenary Session Web page shown above or by mail addressed to: June 2017 Plenary Session Comments, Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW., Washington, DC 20036. Written submissions must be received no later than 10:00 a.m. (EDT), Monday, June 12, to assure consideration by the Assembly.

Dated: May 24, 2017.

David M. Pritzker,

Deputy General Counsel.

[FR Doc. 2017–11137 Filed 5–30–17; 8:45 am]

BILLING CODE 6110–01–P

DEPARTMENT OF AGRICULTURE

Office of Advocacy and Outreach

Advisory Committee on Beginning Farmers and Ranchers (ACBFR) Request for Nominations

AGENCY: Office of Advocacy and Outreach, USDA.

ACTION: Solicitation for nominations.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given that the Secretary of Agriculture is soliciting nominations for membership for the Advisory Committee on Beginning Farmers and Ranchers (the ''Committee'').

Interested persons may submit applications and nomination packages which can be downloaded at: *https://www.ocio.usda.gov/document/ad-755.*

DATES: Consideration will be given to nominations received on or before June 15, 2017.

ADDRESSES: Nomination packages may be sent by postal mail or commercial delivery to: Mrs. Kenya Nicholas, Designated Federal Official, USDA OAO, 1400 Independence Avenue SW., Room 520–A, Washington, DC 20250–0601 or faxed to (202) 720–7704.

FOR FURTHER INFORMATION CONTACT: Mrs. Kenya Nicholas, Designated Federal Official, USDA OAO, 1400 Independence Avenue SW., Room 520–A, Washington, DC 20250–0601; Telephone (202) 720–6350; Fax (202) 720–7704; Email: *kenya.nicholas@osec.usda.gov.*

SUPPLEMENTARY INFORMATION: The Committee advises the Secretary of Agriculture on matters broadly affecting

new farmers and ranchers including strategies, policies, and programs that will enhance opportunities and create new farming and ranching operations. The Committee will consider Department goals and objectives necessary to implement prior recommendations. The Committee will develop and recommend an overall framework and strategies to encompass principles that leverage and maximize existing programs, and create and test new program opportunities.

On March 7, 2017, we published in the **Federal Register** (FR DOC# 2017–04392, Page 12782) a Notice of Solicitation for Membership. Applications were required to be received on or before March 31, 2017. We are re-issuing this announcement to extend the submission period to June 15, 2017. Prior applicants are not required to reapply.

In this notice, we are soliciting nominations from interested organizations and individuals from among ranching and farming producers (industry), related government, State, and Tribal agricultural agencies, academic institutions, commercial banking entities, trade associations, and related nonprofit enterprises. An organization may nominate individuals from within or outside its membership; alternatively, an individual may nominate herself or himself. Nomination packages should include a nomination form along with a cover letter or resume that documents the nominee's background and experience. The membership term shall not exceed 2 years from the date of appointment. The Secretary may also appoint others as deemed necessary and appropriate to fulfill the Advisory Committee on Beginning Farmers and Ranchers charter. An organization may nominate individuals from within or outside its membership; alternatively, an individual may nominate herself or himself. Nomination packages should include a nomination form along with a cover letter or resume that documents the nominee's background and experience. Nomination forms are available on the Internet at *https://www.ocio.usda.gov/document/ad-755* or may be obtained from Mrs. Kenya Nicholas at the email address or telephone number noted above.

The Secretary will fill at least six vacancies from among those organizations and individuals solicited, in order to obtain the broadest possible representation on the Committee. Equal opportunity practices, in line with the USDA policies, will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, membership should include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

Signed in Washington, DC, May 2, 2017.

Christian Obineme,

Associate Director, Office of Advocacy and Outreach.

[FR Doc. 2017–11214 Filed 5–30–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 24, 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 June 30, 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.

Animal Plant and Health Inspection Service

Title: Swine Health Protection.

OMB Control Number: 0579–0065.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The AHPA is contained in Title X, Subtitle E, Sections 10401–18 of P.O. 107–171, May 13, 2002, the Farm Security and Rural Investment Act of 2002. Veterinary Services, a program with the Animal and Plant Health Inspection Service (APHIS), is responsible for administering regulations intended to prevent the dissemination of animal diseases within the United States. Garbage is one of the primary media through which numerous infections or communicable diseases of swine are transmitted. Because of the serious threat to the U.S. swine industry, Congress passed Public Law 96–468 ''Swine Health Protection Act'' on October 17, 1980. This law requires USDA to ensure that all garbage is treated prior to its being fed to swine that are intended for interstate or foreign commerce or that substantially affect such commerce. The Act and the regulations will allow only operators of garbage treatment facilities, which meet certain specification to utilize garbage for swine feeding. APHIS will use various forms to collect information.

Need and Use of the Information: APHIS collects information from persons desiring to obtain a permit (license) to operate a facility to treat garbage. Prior to issuance of a license, an inspection will be made of the facility by an authorized representative to determine if it meets all requirements of the regulations. Periodic inspections will be made to determine if licenses are meeting the standards for operation of their approved facilities. Upon receipt of the information from the Animal Health Officials, the information is used by Federal or State animal health personnel to determine whether the waste collector is feeding garbage to swine, whether it is being treated, and whether the feeder is licensed or needs to be licensed.

Description of Respondents: Business or other for profit; State, Local or Tribal Government.

Number of Respondents: 2,110.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 1,614,541.

Animal and Plant Health Inspection Service

Title: Importation of Live Swine, Pork, and Pork Products from Certain Regions Free of CSF in Chile, Mexico, and Brazil.

OMB Control Number: 0579–0230.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The regulations under which the Animal and Plant Health Inspection Service (APHIS) conducts disease prevention activities are contained in Title 9, Chapter 1, Subchapter D, Part 94. These regulations place certain restrictions on the importation of swine, pork, and pork products into the United States.

Need and Use of the Information: APHIS will collect information to ensure regulatory compliance for mitigation of classical swine fever (CSF) from imports of swine, pork, and pork products into the United States. One requirement is the completion of a certificate issued by a salaried veterinary officer of the Governments of Mexico, Chile, or Brazil that must accompany swine, pork, and pork products from their respective regions. Other requirements are a compliance agreement that is required by the operators of the processing establishment located in a non-CSF free region that processes pork products from CSF free regions, and a cooperative service agreement that is required by the processing establishment located in a non-CSF free region that produces pork products from a CSF free region. Either the CSF free region, or a party on its behalf, must enter into a cooperative service agreement with APHIS to pay all expenses incurred by APHIS for the initial evaluation of the processing establishment and periodically thereafter. If the information was not collected, APHIS would be unable to establish an effective defense against the entry and spread of CSF from Mexican, Chilean, and Brazilian swine, pork, and pork product imports. This would cause serious health consequences from U.S. swine and economic consequences for the U.S. pork industry.

Description of Respondents: Businesses and Federal Animal Health Officials of the Governments of Mexico, Brazil, and Chile.

Number of Respondents: 11.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 3,009.

Animal and Plant Health Inspection Service

Title: Importation of Clementines, Mandarins, and Tangerines from Chile.

OMB Control Number: 0579–0242.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701–7772), the Secretary of Agriculture is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests new to the United States or not known to be widely distributed throughout the United States. The regulations in ''Subpart-Fruits and Vegetables'' (7 CFR 319.56 through 319.56–58) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world, to prevent the introduction and dissemination of plant pests, including fruit flies that are new to or not widely distributed within the United States. The Animal and Plant Health Inspection Service (APHIS) fruits and vegetables regulations allow the importation, under certain conditions, of clementines, mandarins, and tangerines from Chile into the United States.

Need and Use of the Information: APHIS requires that some plants or plant products are accompanied by a phytosanitary inspection certificate that is completed by plant health officials in the originating or transiting country. APHIS will use the information on this certificate to determine the pest condition of the shipment at the time of inspection in the foreign country. This information is used as a guide to the intensity of the inspection that APHIS must conduct when the shipment arrives. Without the information, all shipments would need to be inspected very thoroughly, thereby requiring considerable more time, this would slow the clearance of international shipments.

Description of Respondents: Business or other for-profit; Federal Government.

Number of Respondents: 40.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 216.

Animal and Plant Health Inspection Service

Title: Importation of Beef and Ovine Meat from Uruguay and Beef from Argentina and Brazil.

OMB Control Number: 0579–0372.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 (7 U.S.C. 8301), is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The agency charged with carrying out this disease prevention mission is the Animal and Plant Health Inspection Service (APHIS). Disease prevention is the most effective method for maintaining a healthy animal population and enhancing APHIS' ability to compete globally in animal and animal product trade. APHIS import regulations in sections 94.1 and 94.22 place certain restrictions on the importation of beef and ovine meat from Uruguay into the United States. Section 94.29 places certain restrictions on the importation of beef and ovine meat from Uruguay and fresh (chilled or frozen) beef from certain regions in Argentina and Brazil into the United States to prevent the introduction of foot-and-mouth disease. Under these regulations, APHIS must collect information, prepared by an authorized certified official of the Government of Uruguay, Argentina, and Brazil.certifying that specific conditions for importation have been met.

Need and Use of the Information: Imported beef and ovine meat from Uruguay and imported beef from northern Argentina and imported beef from the specific regions in Brazil must be accompanied by a foreign meat inspection certificate that is completed and signed by an authorized veterinary official of the Government of Uruguay, Argentina, and Brazil. Without the information, APHIS would be unable to establish an effective defense against the entry and spread of foot-and-mouth disease and other animal diseases from Uruguay beef and ovine product imports as well as imports of beef and beef products from Argentina and Brazil.

Description of Respondents: Federal Government; Business or Other for Profit.

Number of Respondents: 18.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 14,802.

Animal and Plant Health Inspection Service

Title: Importation of Jackfruit, Pineapple, and Starfruit from Malaysia into the Continental United States.

OMB Control Number: 0579–0408.

Summary of Collection: 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 fruits and vegetables into the United States from certain parts of the world as provided in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–76). APHIS regulations allow, under certain conditions, the importation into the United States of commercial consignments of jackfruit, pineapple, and starfruit from Malaysia.

Need and Use of the Information: The condition for the importation of fruit from Malaysia include requirements for: (1) Irradiation treatment for insect pests, (2) inspection, and (3) importation of commercial consignments. The fruit will also be required to be accompanied by a phytosanitary certificate issued by the National Plant Protection Organization of Malaysia with a commodity specific additional declaration confirming that the fruit has been produced in accordance with the requirements.

APHIS uses the collected information to verify that jackfruit, pineapple, and starfruit from Malaysia are grown in production areas that are registered and monitored by the NPPO of Malaysia and to verify that consignments have been treated with irradiation.

Description of Respondents: Business or other for profit; Federal Government.

Number of Respondents: 86.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 170.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–11108 Filed 5–30–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 25, 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 June 30, 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.

Food Safety and Inspection Service

Title: In-Home Food Safety Behaviors and Consumer Education: Annual Observational Study

OMB Control Number: 0583—New.

Summary of Collection: The U.S. Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary of Agriculture (7 CFR 2.18, 2.53) as specified in the Federal Meat Inspection Act the Poultry Products Inspection Act (21 U.S.C. 453, *et seq.,* 601 et. seq.) FSIS protects the public by verifying that meat, poultry, and processed egg products are wholesome; not adulterated; and properly marked, labeled, and packaged. USDA FSIS' Office of Public Affairs and Consumer Education (OPACE) ensures that all segments of the farm-to-table chain receive valuable food safety information. The consumer education programs developed by OPACE's Food Safety Education Staff inform the public on how to safely handle, prepare, and store meat, poultry, and egg products to minimize incidence or foodborne illness. To inform the development of food safety communication products and to evaluate public health education and communication activities, FSIS is requesting approval for a new information collection to conduct observational studies using an experimental design.

Need and Use of the Information: The observational studies will help FSIS assess adherence to the four recommended food safety behaviors of clean, separate, cook, and chill; determine whether food safety messaging focused on those behaviors affects consumer food safety handing behaviors; and determine whether consumers introduce cross-contamination during food preparation. The results of this research will be used to enhance messaging and accompanying materials to improve food safety behaviors of consumers.

Description of Respondents: Individuals or households.

Number of Respondents: 2,499.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 2,950.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–11158 Filed 5–30–17; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Florida National Forests Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Florida National Forests Resource Advisory Committee (RAC) will meet in Tallahassee, Florida. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *http://www.fs.usda.gov/florida.*

DATES: The meeting will be held on June 29, 2017, at 3:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meeting will be held at the Forest Supervisor's Office, 325 John

Knox Road, Tallahassee, Florida. Participants who would like to attend by teleconference please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Forest Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Denise Rains, RAC Designated Federal Officer (DFO), by phone at 850–523–8568 or via email at *drains@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Introduce new members and review the purpose of the RAC, and

2. To review and recommend project proposals for Title II Funds.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by June 1, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Denise Rains, DFO, Forest Supervisor's Office, 325 John Knox Road, Suite F–100, Tallahassee, Florida 32303; by email to *drains@fs.fed.us,* or via facsimile to 850–523–8505.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case by case basis.

Dated: May 16, 2017.

Robert M. Harper,

Acting Associate Deputy Chief, National Forest system.

[FR Doc. 2017–11155 Filed 5–30–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Media Outlets for Publication of Legal and Action Notices in the Southern Region

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: This notice lists all newspapers that will be used by the Ranger Districts, Grasslands, Forests and the Regional Office of the Southern Region to publish notices required under agency regulations. The intended effect of this action is to inform members of the public which newspapers will be used by the Forest Service to publish legal notices regarding proposed actions, notices of decisions and notices indicating opportunities to file objections.

DATES: Use of these newspapers for purposes of publishing legal notice of decisions and notices of the opportunity to object shall begin the first day after the date of this publication.

FOR FURTHER INFORMATION CONTACT: Shannon Kelardy, Administrative Review Coordinator, Southern Region, Planning, 1720 Peachtree Road NW., Atlanta, Georgia 30309, Phone: 404–347–2719.

SUPPLEMENTARY INFORMATION: Responsible Officials in the Southern Region will give notice of the opportunity to object to a proposed authorized hazardous fuel reduction project under 36 CFR part 218, or developing, amending or revising land management plans under 36 CFR 219 in the following newspapers which are listed by Forest Service administrative unit. The timeframe for filing a comment, appeal or an objection shall be based on the date of publication of the notice of the proposed action in the newspaper of record for projects subject to 36 CFR 218 or 36 CFR 219. Where more than one newspaper is listed for any unit, the first newspaper listed is the newspaper of record that will be utilized for publishing the legal notice of decisions and calculating timeframes. Secondary newspapers listed for a particular unit are those newspapers the Deciding Officer/Responsible Official expects to use for purposes of providing additional notice. The following newspapers will be used to provide notice:

Southern Region

Regional Forester Decisions

Affecting National Forest System lands in more than one administrative unit of the 15 in the Southern Region, *Atlanta Journal—Constitution,* published daily in Atlanta, GA.

Affecting National Forest System lands in only one administrative unit or only one Ranger District will appear in the newspaper of record elected by the National Forest, National Grassland, National Recreation Area, or Ranger District as listed below.

National Forests in Alabama, Alabama

Forest Supervisor Decisions

Affecting National Forest System lands in more than one Ranger District of the 6 in the National Forests in Alabama, *Montgomery Advertiser,* published daily in Montgomery, AL. Affecting National Forest System lands in only one Ranger District will appear in the newspaper of record elected by the Ranger District as listed below.

District Ranger Decisions

Bankhead Ranger District: *Northwest Alabamian,* published bi-weekly (Wednesday & Saturday) in Haleyville, AL

Conecuh Ranger District: *The Andalusia Star News,* published daily (Tuesday through Saturday) in Andalusia, AL

Oakmulgee Ranger District: *The Tuscaloosa News,* published daily in Tuscaloosa, AL

Shoal Creek Ranger District: *The Anniston Star,* published daily in Anniston, AL

Talladega Division: *The Anniston Star,* published daily in Anniston, AL

Talladega Ranger District: *The Daily Home,* published daily in Talladega, AL

Tuskegee Ranger District: *Tuskegee News,* published weekly (Thursday) in Tuskegee, AL

Chattahoochee-Oconee National Forest, Georgia

Forest Supervisor Decisions

The Times, published daily in Gainesville, GA

District Ranger Decisions:

Blue Ridge Ranger District: *The News Observer* (newspaper of record) published weekly (Wednesday) in Blue Ridge, GA

North Georgia News, (newspaper of record) published weekly (Wednesday) in Blairsville, GA

Conasauga Ranger District: *Daily Citizen,* published daily in Dalton, GA

Chattooga River Ranger District: *The Northeast Georgian,* (newspaper of record) published bi-weekly (Wednesday & Friday) in Cornelia, GA

Clayton Tribune, (newspaper of record) published weekly (Thursday) in Clayton, GA

Oconee Ranger District: *Eatonton Messenger,* published weekly (Thursday) in Eatonton, GA

Cherokee National Forest, Tennessee

Forest Supervisor Decisions

Knoxville News Sentinel, published daily in Knoxville, TN

District Ranger Decisions

Unaka Ranger District: *Greeneville Sun,* published daily (except Sunday) in Greeneville, TN

Ocoee-Hiwassee Ranger District: *Cleveland Daily Banner,* published daily (except Saturday) in Cleveland, TN

Tellico Ranger District: *Monroe County Advocate & Democrat,* published tri-weekly (Wednesday, Friday, and Sunday) in Sweetwater, TN

Watauga Ranger District: *Johnson City Press,* published daily in Johnson City, TN

Daniel Boone National Forest, Kentucky

Forest Supervisor Decisions

Lexington Herald-Leader, published daily in Lexington, KY

District Ranger Decisions

Cumberland Ranger District: *The Morehead News,* published bi-weekly (Tuesday and Friday) in Morehead, KY

London Ranger District: *The Sentinel-Echo,* published tri-weekly (Monday, Wednesday, and Friday) in London, KY

Redbird Ranger District: *Manchester Enterprise,* published weekly (Thursday) in Manchester, KY

Stearns Ranger District: *McCreary County Voice,* published weekly (Thursday) in Whitley City, KY

El Yunque National Forest, Puerto Rico

Forest Supervisor Decisions

El Nuevo Dia, published daily in Spanish in San Juan, PR

San Juan Daily Star, published daily in English in San Juan, PR

National Forests in Florida, Florida

Forest Supervisor Decisions

Affecting National Forest System lands in more than one Ranger District in the National Forests in Florida or Florida National Scenic Trail land outside Ranger Districts, *The Tallahassee Democrat,* published daily in Tallahassee, FL. Affecting National Forest System lands in only one Ranger District will appear in the newspaper of record elected by the Ranger District as listed below.

District Ranger Decisions

Apalachicola Ranger District: *Calhoun-Liberty Journal,* published weekly (Wednesday) in Bristol, FL

Lake George Ranger District: *The Ocala Star Banner,* published daily in Ocala, FL

Osceola Ranger District: *The Lake City Reporter,* published daily (Monday–Saturday) in Lake City, FL

Seminole Ranger District: *The Daily Commercial,* published daily in Leesburg, FL

Wakulla Ranger District: *The Tallahassee Democrat,* published daily in Tallahassee, FL

Francis Marion & Sumter National Forests, South Carolina

Forest Supervisor Decisions

The State, published daily in Columbia, SC

District Ranger Decisions

Andrew Pickens Ranger District: *The Daily Journal,* published daily (Tuesday through Saturday) in Seneca, SC

Enoree Ranger District: *Newberry Observer,* published tri-weekly (Monday, Wednesday, and Friday) in Newberry, SC

Long Cane Ranger District: *Index-Journal,* published daily in Greenwood, SC

Francis Marion Ranger District: *Post and Courier,* published daily in Charleston, SC

George Washington and Jefferson National Forests, Virginia and West Virginia

Forest Supervisor Decisions

Roanoke Times, published daily in Roanoke, VA

District Ranger Decisions

Clinch Ranger District: *Coalfield Progress,* published bi-weekly (Tuesday and Friday) in Norton, VA

North River Ranger District: *Daily News Record,* published daily (except Sunday) in Harrisonburg, VA

Glenwood-Pedlar Ranger District: *Roanoke Times,* published daily in Roanoke, VA

James River Ranger District: *Virginian Review,* published daily (except Sunday) in Covington, VA

Lee Ranger District: *Shenandoah Valley Herald,* published weekly (Wednesday) in Woodstock, VA

Mount Rogers National Recreation Area: *Bristol Herald Courier,* published daily in Bristol, VA

Eastern Divide Ranger District: *Roanoke Times,* published daily in Roanoke, VA

Warm Springs Ranger District: *The Recorder,* published weekly (Thursday) in Monterey, VA

Kisatchie National Forest, Louisiana

Forest Supervisor Decisions

The Town Talk, published daily in Alexandria, LA

District Ranger Decisions

Calcasieu Ranger District: *The Town Talk,* (newspaper of record) published daily in Alexandria, LA

The Leesville Daily Leader, (secondary) published daily in Leesville, LA

Caney Ranger District: *Minden Press Herald,* (newspaper of record) published daily in Minden, LA

Homer Guardian Journal, (secondary) published weekly (Wednesday) in Homer, LA

Catahoula Ranger District: *The Town Talk,* published daily in Alexandria, LA

Kisatchie Ranger District: *Natchitoches Times,* published daily (Tuesday thru Friday and on Sunday) in Natchitoches, LA

Winn Ranger District: *Winn Parish Enterprise,* published weekly (Wednesday) in Winnfield, LA

Land Between The Lakes National Recreation Area, Kentucky and Tennessee

Area Supervisor Decisions

The Paducah Sun, published daily in Paducah, KY

National Forests in Mississippi, Mississippi

Forest Supervisor Decisions

Clarion-Ledger, published daily in Jackson, MS

District Ranger Decisions

Bienville Ranger District: *Clarion-Ledger,* published daily in Jackson, MS

Chickasawhay Ranger District: *Clarion-Ledger,* published daily in Jackson, MS

Delta Ranger District: *Clarion-Ledger,* published daily in Jackson, MS

De Soto Ranger District: *Clarion Ledger,* published daily in Jackson, MS

Holly Springs Ranger District: *Clarion-Ledger,* published daily in Jackson, MS

Homochitto Ranger District: *Clarion-Ledger,* published daily in Jackson, MS

Tombigbee Ranger District: *Clarion-Ledger,* published daily in Jackson, MS

National Forests in North Carolina, North Carolina

Forest Supervisor Decisions

The Asheville Citizen-Times, published Wednesday thru Sunday, in Asheville, NC

District Ranger Decisions

Appalachian Ranger District: *The Asheville Citizen-Times,* published Wednesday thru Sunday, in Asheville, NC

Cheoah Ranger District: *Graham Star,* published weekly (Thursday) in Robbinsville, NC

Croatan Ranger District: *The Sun Journal,* published daily in New Bern, NC

Grandfather Ranger District: *McDowell News,* published daily in Marion, NC

Nantahala Ranger District: *The Franklin Press,* published bi-weekly (Tuesday and Friday) in Franklin, NC

Pisgah Ranger District: *The Asheville Citizen-Times,* published Wednesday thru Sunday, in Asheville, NC

Tusquitee Ranger District: *Cherokee Scout,* published weekly (Wednesday) in Murphy, NC

Uwharrie Ranger District: *Montgomery Herald,* published weekly (Wednesday) in Troy, NC

Ouachita National Forest, Arkansas and Oklahoma

Forest Supervisor Decisions

Arkansas Democrat-Gazette, published daily in Little Rock, AR

District Ranger Decisions

Caddo-Womble Ranger District: *Arkansas Democrat-Gazette,* published daily in Little Rock, AR

Jessieville-Winona-Fourche Ranger District: *Arkansas Democrat-Gazette,* published daily in Little Rock, AR

Mena-Oden Ranger District: *Arkansas Democrat-Gazette,* published daily in Little Rock, AR

Oklahoma Ranger District (Choctaw; Kiamichi; and Tiak): *McCurtain Daily Gazette,* published daily in Idabel, OK

Poteau-Cold Springs Ranger District: *Arkansas Democrat-Gazette,* published daily in Little Rock, AR

Ozark-St. Francis National Forests, Arkansas

Forest Supervisor Decisions

The Courier, published daily (Tuesday through Sunday) in Russellville, AR

District Ranger Decisions

Bayou Ranger District: *The Courier,* published daily (Tuesday through Sunday) in Russellville, AR

Boston Mountain Ranger District: *Southwest Times Record,* published daily in Fort Smith, AR

Buffalo Ranger District: *The Courier,* published daily (Tuesday through Sunday) in Russellville, AR

Magazine Ranger District: *Southwest Times Record,* published daily in Fort Smith, AR

Pleasant Hill Ranger District: *Johnson County Graphic,* published weekly (Wednesday) in Clarksville, AR

St. Francis National Forest: *The Daily World,* published bi-weekly (Tuesday and Friday) in Helena, AR

Sylamore Ranger District: *Stone County Leader,* published weekly (Wednesday) in Mountain View, AR

National Forests and Grasslands in Texas, Texas

Forest Supervisor Decisions

The Lufkin Daily News, published daily in Lufkin, TX

District Ranger Decisions

Angelina National Forest: *The Lufkin Daily News,* published daily in Lufkin, TX

Caddo & LBJ National Grasslands: *Denton Record-Chronicle,* published daily in Denton, TX

Davy Crockett National Forest: *The Lufkin Daily News,* published daily in Lufkin, TX

Sabine National Forest: *The Lufkin Daily News,* published daily in Lufkin, TX

Sam Houston National Forest: *The Courier,* published daily in Conroe, TX

Dated: May 8, 2017.

Leslie Weldon,

Deputy Chief, National Forest System.

[FR Doc. 2017–11153 Filed 5–30–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Prince of Wales Island Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Prince of Wales Island Resource Advisory Committee (RAC) will meet in Craig, Alaska. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act.

DATES: The meeting will be held on June 12, 2017, at 10:00 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Craig Ranger District, 504 9th Street, Craig, Alaska. Participants who would like to attend by teleconference, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Thorne Bay Ranger District, 1312 Federal Way, Thorne Bay, Alaska. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Tiana Lavoie, RAC Coordinator, by phone at 907–828–3205 or via email at *tlavoie@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to discuss potential projects for Title II Funds under the Act.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by June 5, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to: Matthew D. Anderson, Designated Federal Officer, Craig Ranger District, Post Office Box 500, Craig, Alaska 99921; by email to *mdanderson@fs.fed.us* or via facsimile to 907–826–2972.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION**

CONTACT. All reasonable accommodation requests are managed on a case by case basis.

Dated: May 16, 2017.

Robert M. Harper,

Acting Associate Deputy Chief, Nation Forest System.

[FR Doc. 2017–11154 Filed 5–30–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Regulations and Procedures Technical Advisory Committee; Notice of Partially Closed Meeting

The Regulations and Procedures Technical Advisory Committee (RPTAC) will meet June 13, 2017, 9:00 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenues NW., Washington, DC The Committee advises the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

Agenda:

Public Session

1. Opening remarks by the Chairman.
2. Opening remarks by the Bureau of Industry and Security.
3. Presentation of papers or comments by the Public.
4. Export Enforcement update.
5. Regulations update.
6. Working group reports.
7. Automated Export System update.

Closed Session

8. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 25 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than June 6, 2017.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 15, 2017, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 § § 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2017–11175 Filed 5–30–17; 8:45 am]

BILLING CODE 3510–JT—P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–971]

Multilayered Wood Flooring From the People's Republic of China: Notice of Correction to the Final Results of Countervailing Duty Administrative Review; 2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: Dennis McClure, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5973.

SUPPLEMENTARY INFORMATION: On May 15, 2017, the Department of Commerce (the Department) published in the **Federal Register** the final results of the 2014 countervailing duty administrative review of multilayered wood flooring from the People's Republic of China.[1] In the *Final Results,* the Department inadvertently excluded Nanjing Minglin Wooden Industry Co., Ltd. (Nanjing Minglin) from the list of companies not selected for individual examination (non-selected companies) which were assigned a review-specific average rate of 1.06 percent.[2] However, the February 9, 2016, initiation of this review included Nanjing Minglin and, therefore, we should have assigned a review-specific average rate of 1.06 percent to Nanjing Minglin for the final results.[3]

In addition, we note that we inadvertently included Jiangsu Keri Wood Co., Ltd. (Jiangsu Keri) in the list of non-selected companies assigned a review-specific average rate.[4] However, we should have excluded Jiangsu Keri from the list of non-selected companies because Jiangsu Keri withdrew its request for a review and the Department rescinded its review of Jiangsu Keri in the *Preliminary Results.*[5] Accordingly, we now correct the *Final Results* of this administrative review by assigning the review-specific average rate to Nanjing Minglin and removing Jiangsu Keri from the list of non-selected respondents.

This correction to the *Final Results* is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: May 24, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–11202 Filed 5–30–17; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Multilayered Wood Flooring from the People's Republic of China: Final Results and Partial Rescission of Countervailing Duty Administrative Review; 2014,* 82 FR 22311 (May 15, 2017) (*Final Results*), and accompanying Issues and Decision Memorandum.

[2] *Id.* at 22312–22313.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 81 FR 6832 (February 9, 2016).

[4] *See Final Results* at 22312.

[5] *See Multilayered Wood Flooring from the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review, Rescission of Review, in Part, and Intent to Rescind the Review in Part; 2014,* 82 FR 2319, 2320 (January 9, 2017) (*Preliminary Results*), and accompanying Issues and Decision Memorandum.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–520–804]

Certain Steel Nails From the United Arab Emirates: Preliminary Results of Antidumping Duty Administrative Review; 2015–2016

AGENCY: Enforcement and Compliance, International Trade Administration, Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain steel nails (nails) from the United Arab Emirates (UAE). The period of review (POR) is May 1, 2015, through April 30, 2016. We preliminarily determine that the only exporter of subject

merchandise, Overseas Distribution Services Inc. (ODS), sold subject merchandise at less than normal value (NV) in the United States and that Oman Fasteners LLC (Oman Fasteners) and Overseas International Steel Industry LLC (OISI) had no shipments during the POR.

DATES: Effective May 31, 2017.

FOR FURTHER INFORMATION CONTACT: Annathea Cook or Susan Pulongbarit, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0250, and (202) 482–4031, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the *Order*[1] is nails from the UAE. The products are currently classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7317.00.55, 7317.00.65, and 7317.00.75. While the HTSUS subheadings are provided for convenience and customs purposes, the written product description remains dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.[2]

Preliminary Determination of No Shipments

Based on our analysis of U.S. Customs and Border Protection (CBP) information, and information provided by Oman Fasteners and OISI, we preliminarily determine that these companies had no shipments of the subject merchandise, and, therefore, no reviewable transactions, during the POR. For a full discussion of this determination, *see* the Preliminary Decision Memorandum.[3]

Methodology

The Department is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum.[4] The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and it is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum is available at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Adverse Facts Available

Because mandatory respondent ODS has withheld requested information, failed to provide such information in the manner and form required, impeded this review, and reported information that could not be verified, thus failing to cooperate by not acting to the best of its ability to comply with a request for information by the Department, we preliminarily determine to apply adverse facts available (AFA) to this respondent, in accordance with sections 776(a) and (b) of the Act and 19 CFR 351.308. For further discussion, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

We preliminary determine that, for the period of May 1, 2015, through April 30, 2016 the following weighted-average dumping margin exists:

Producer/exporter	Weighted-average margin (percent)
Overseas Distribution Services Inc.	184.41

Disclosure and Public Comment

Interested parties may submit case briefs not later than 20 days after the date of publication of this notice.[5] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[6] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[7]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically *via* ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5 p.m. Eastern Time within 20 days after the date of publication of this notice.[8] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs.

The Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless extended, pursuant to section 751(a)(3)(A) of the Act, unless otherwise extended.

All documents must be filed electronically using ACCESS. An electronically-filed request must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Standard Time.

Assessment Rates

Upon issuance of the final results, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. If ODS's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent), we will calculate an importer-specific *ad valorem* antidumping duty assessment rate based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is not zero or *de minimis.* If ODS's weighted-average dumping margin is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and

[1] *See Certain Steel Nails from the United Arab Emirates: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 77 FR 27421 (May 10, 2012) (*Order*).

[2] *See* Memorandum from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review; 2015–2016: Certain Steel Nails from the United Arab Emirates'' dated concurrently with and hereby adopted by this notice (Preliminary Decision Memorandum).

[3] *Id.*

[4] *Id.*

[5] *See* 19 CFR 351.309(c)(1)(ii).

[6] *See* 19 CFR 351.309(d).

[7] *See* 19 CFR 351.303 (for general filing requirements).

[8] *See* 19 CFR 351.310(c).

for future deposits of estimated duties, where applicable.

We intend to issue instructions to CBP 15 days after the publication date of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of nails from the UAE entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rates for ODS will be the rates established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 4.30 percent, the all-others rate established in the *Order*.[9] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and increase the subsequent assessment of the antidumping duties by the amount of the antidumping duties reimburses.

The preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: May 16, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Preliminary Determination of No Shipments
V. Use of Facts Available and Adverse Inferences
VI. Conclusion

[FR Doc. 2017–11203 Filed 5–30–17; 8:45 am]

BILLING CODE 3510–DS–P

[9] *See Order.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–814]

Utility Scale Wind Towers From the Socialist Republic of Vietnam: Notice of Amended Initiation of Antidumping Duty Administrative Review; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Commerce.

DATES: Effective May 31, 2017.

FOR FURTHER INFORMATION CONTACT: Trisha Tran, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4852.

SUPPLEMENTARY INFORMATION:

Background

In the amended final determination and antidumping duty order of this underlying investigation, the Department of Commerce (the Department) determined that CS Wind Vietnam Co., Ltd., and CS Wind Corporation are a single entity: The CS Wind Group.[1] On March 16, 2017, the United States Court of International Trade (CIT) issued its final judgment, sustaining the Department's final results of redetermination concerning the less-than-fair value investigation of utility scale wind towers (wind towers) from the Socialist Republic of Vietnam (Vietnam).[2] On March 29, 2017, pursuant to that Court decision, effective March 26, 2017, the Department excluded from the antidumping duty order wind towers that are produced *and* exported by The CS Wind Group.[3]

Amendment to the Initiation

On April 10, 2017, the Department published a notice of initiation of an administrative review of the antidumping duty order on wind towers from Vietnam for the period February 1, 2016, through January 31, 2017.[4] In the *Initiation Notice,* the Department inadvertently initiated an administrative review on all entries of merchandise exported by CS Wind Group. Because wind towers that are produced *and* exported by CS Wind Group were excluded from the antidumping duty order on wind towers from Vietnam effective March 26, 2017, the Department should only have initiated the administrative review on wind towers produced in Vietnam with respect to the CS Wind Group where CS Wind Group was (1) the producer but not the exporter, or (2) the exporter but not the producer. To correct this error in the *Initiation Notice,* the Department is now issuing this notice of amended initiation of the 2016–2017 antidumping duty administrative review of wind towers from Vietnam with respect to the CS Wind Group. The Department is initiating an administrative review only on entries where CS Wind Group was (1) the producer but not the exporter, or (2) the exporter but not the producer of subject merchandise. The initiation with respect to Vina Halla Heavy Industries Ltd. and UBI Tower Sole Member Company Ltd., remains unchanged.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The *Initiation Notice* was published on April 10, 2017. Accordingly, the current deadline for withdrawal of request for this administrative review is July 10, 2017.[5]

[1] *See Utility Scale Wind Towers from the Socialist Republic of Vietnam: Final Determination of Sales at Less Than Fair Value,* 77 FR 75984 (December 26, 2012), as amended by *Utility Scale Wind Towers from the Socialist Republic of Vietnam: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 78 FR 11150, 11152 (February 15, 2013) (*Wind Towers Amended Final Determination*)(where the Department stated, ''The CS Wind Group consists of CS Wind Vietnam Co., Ltd. and CS Wind Corporation.'').

[2] *See CS Wind Vietnam Co., Ltd., and CS Wind Corporation* v. *United States,* Slip Op. 17–26 (CIT 2017).

[3] *See Utility Scale Wind Towers from the Socialist Republic of Vietnam: Notice of Court Decision Not in Harmony with the Final Determination of Less Than Fair Value Investigation and Notice of Amended Final Determination of Investigation,* 82 FR 15493 (March 29, 2017).

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 17188 (April 10, 2017) (*Initiation Notice*).

[5] 90 days after the publication of the *Initiation Notice* would place the deadline on a Sunday, July 9, 2017. The Department's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant*

Continued

This amended initiation is issued and published in accordance with section 751(a) of the Tariff Act of 1930, as amended, and 19 CFR 351.221(c)(1)(i).

Dated: May 24, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–11205 Filed 5–30–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF462

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a joint public meeting of its Whiting Committee and Advisory Panel on June 14, 2017, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, June 14, 2017, at 9:30 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the Holiday Inn, 31 Hampshire Street, Mansfield, MA 02048; Telephone: (508) 339–2200.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Committee and Advisory Panel will receive a report from the Plan Development Team on estimated impacts of Amendment 22 limited access alternatives and develop recommendations for preferred alternatives for the draft amendment. Other business will be discussed as necessary.

Special Accommodations

This meeting is physically accessible to people with disabilities. This meeting will be recorded. Consistent with U.S.C. 1852, a copy of the recording is available upon request. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at 978–465–0492, at least 5 days prior to the meeting date.

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

Dated: May 26, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–11284 Filed 5–30–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF282

Endangered and Threatened Species; Listing and Recovery Priority Guidelines

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

ACTION: Notice of availability and request for comment.

SUMMARY: We, NMFS, are proposing to revise the Recovery Plan Preparation and Implementation Priorities and Recovery Plans contained in the 1990 Listing and Recovery Priority Guidelines. We propose to revise the guidelines to better prioritize limited agency resources to advance the recovery of threatened and endangered species guided by the immediacy of the species' overall extinction risk, extent of information regarding major threats, and certainty that management or protective actions can be implemented successfully. We are not proposing changes to the Listing, Reclassification, and Delisting Priorities contained in the 1990 Listing and Recovery Priority Guidelines. We have found those guidelines to be sufficient in prioritizing listing actions and thus do not warrant a revision at this time.

DATES: Comments on the proposed revision must be received by close of business on June 30, 2017.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2017–0020 by either of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0020.* Click the 'Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Therese Conant, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

Instructions: You must submit comments by one of the above methods to ensure that we receive, document, and consider them. 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. All comments received are a part of the public record and will generally be posted for public viewing on *http://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. We will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

SUPPLEMENTARY INFORMATION:

Background

Section 4(f) of the Endangered Species Act (ESA) (16 U.S.C. 1533(f)) requires the Secretary to develop recovery plans for all species listed pursuant to the ESA, unless he/she finds that such a plan will not promote the recovery of the species. Section 4(h) requires the Secretary to establish a system for developing and implementing, on a priority basis, recovery plans under Section 4(f). We finalized guidance for prioritizing recovery plan development and implementation on June 15, 1990 (55 FR 24296). However, through our application of the Recovery Plan Preparation and Implementation Priorities and Recovery Plans (see parts 'B' and 'C' June 15, 1990 55 FR 24296), we have determined that the guidelines contain vague definitions and lack sufficient detail regarding factors that should be considered when evaluating threats and recovery potential. For these reasons, we propose revisions to the Recovery Plan Preparation and Implementation Priorities and Recovery Plan parts of the 1990 Listing and Recovery Priority Guidelines.

The Listing, Reclassification, and Delisting Priorities can be found in the original **Federal Register** notice (see part 'A' June 15, 1990 55 FR 24296). The Listing, Reclassification, and Delisting Priorities remain unchanged and will be repeated in the final notice revising

to the Tariff Act of 1930, As Amended, 70 FR 24533 (May 10, 2005).

parts B and Part C [to maintain the guidance in a single reference].

Proposed Revisions to Part B: Recovery Plan Preparation and Implementation Priorities and Part C: Recovery Plans

Part B: Recovery Plan Preparation and Implementation Priorities

The proposed changes to the Recovery Plan Preparation and Implementation Priorities are:

- The current guidelines consist of 12 species priority numbers. We propose to increase the number of species priority numbers to 24 by redefining the 'magnitude of threat' and 'recovery potential' criteria (see below);
- The current guidelines consist of a first criterion—magnitude of threat. Magnitude of threat is divided by three categories: 'high' meaning extinction is almost certain in the immediate future because of a rapid population decline or habitat destruction; 'moderate' meaning the species will not face extinction if recovery is temporarily held off, although there is a continuing population decline or threat to its habitat; and 'low' meaning a population facing a short-term, self-correcting fluctuation, or the impacts of the threats to the species' habitat are not fully known. We propose to change the magnitude of threat criterion to a demographic risk rank based on the species listing status (threatened or endangered) and species' condition for productivity, spatial distribution, diversity, abundance, or trends. The 'high,' 'moderate,' and 'low' categories are now based on whether the species is threatened or endangered and whether it meets certain demographic risk conditions (see Table 1 in the revised guidelines below). This proposed change provides greater emphasis on the species' risk and more detail on the factors considered in assigning the risk rank;
- The current guidelines consist of a second criterion—recovery potential. Recovery potential is based on how well biological and ecological limiting factors and threats to the species' existence are understood, and the extent of management actions needed. Recovery potential is divided into two categories: 'High' meaning limiting factors and theats to the species are well understood and the needed management actions are known and have a high probability of success; and 'low to moderate' meaning limiting factors or threats to the species are poorly understood or if the needed management actions are not known, are cost-prohibitive or are experimental with an uncertain probability of success. We propose to redefine the recovery potential by splitting the criterion into three components: (1) Whether the origin of major threats is known and the species response to those major threats is well understood; (2) whether the United States has jurisdiction, authority, or influence to implement management or protective actions to address major threats; and (3) the certainty that management or protective actions will be effective. Each component has a 'high' or 'low to moderate' category (see definitions in the revised guidelines below). This proposed change improves the guidelines by including U.S. jurisdiction or ability to influence recovery actions as a consideration in recovery potential and providing greater detail in the recovery potential definition;
- The current guidelines include a third criterion—conflict. Conflict reflects the ESA section 4(f)(1)(A) requirement that recovery priority be given to those species that are, or may be, in conflict with construction or other developmental projects or other forms of economic activity. We propose to revise the guidelines by considering all ESA-listed marine and anadromous species to be in conflict with activities related to construction or other developmental projects, or other forms of economic activity. We are unaware of any ESA-listed species under our authority that is not considered, either directly or indirectly, to be in conflict to some degree with an economic activity. We are therefore reasonably certain that any species under NMFS jurisdiction that may be listed in the future will be in similar conflict. As a result, conflict, is not considered further in the proposed guidance; and
- The current guidelines contain three recovery task priorities defined as: Number 1—an action that must be taken to prevent extinction or to identify those actions necessary to prevent extinction; Number 2—an action that must be taken to prevent a significant decline in population numbers, habitat quality, or other significant negative impacts short of extinction; and number 3—all other actions necessary to provide for full recovery of the species. We propose to add two additional priority numbers: Number 4—actions that are not linked to downlisting and/or delisting criteria and are not needed for ESA recovery, but are needed to facilitate post-delisting monitoring, such as the development of a post-delisting monitoring plan that provides monitoring design (*e.g.,* sampling error estimates); and number 0—actions that are not needed for ESA recovery but that would advance broader goals beyond delisting. Other actions include, for example, other legislative mandates or social, economic, and ecological values (see Table 3 in the revised guidelines below).

Part C. Recovery Plans

The current guidelines specify that as recovery plans are developed, specific recovery tasks are identified and prioritized according to the criteria in the part B Recovery Plan Preparation and Implementation Priorities of the 1990 Listing and Recovery Priority Guidelines. We have updated the entire section to reflect the new proposed prioritization scheme outlined below.

New Proposed Part B: Recovery Plan Preparation and Implementation Priorities

The objective of these guidelines is to implement a policy to prioritize limited agency resources to advance the recovery of threatened and endangered species guided by the immediacy of the species' overall extinction risk, extent of information regarding major threats, and certainty that management and protective actions can be implemented successfully. To achieve the objective, we identified the following general principles for prioritizing recovery plan development and implementation:

- Endangered species are a higher priority than threatened species because of the immediacy of the extinction risk;
- Species with more severe demographic risks are a higher priority because they are at greater risk of extinction;
- Species for which major threats are well understood are a higher priority because in such cases, effective objective, measureable recovery criteria, and site-specific management or protective actions are more likely to be identified for that species;
- Species for which major threats are primarily under U.S. authority, or for which the United States can influence the abatement of such threats through international mechanisms (*e.g.,* treaties, conventions, and agreements), are a higher priority because we have greater influence over the outcome; and
- Species for which there exists possible management or protective actions to address major threats that are not novel or experimental, are technically feasible, and have been successful at removing, reducing, or mitigating effects of major threats are a higher priority, because these actions are more likely to be effective at advancing recovery.

The process to prioritize recovery planning and implementation consists of four steps—(1) identify a category of demographic risk based on the listing

status and species' condition related to productivity, spatial distribution, diversity, abundance, and trends (Step 1; Table 1); (2) identify categories for three components of recovery potential (Step 2); (3) based on results of steps 1 and 2, assign a recovery priority for recovery plan development and implementation (Step 3; Table 2); and (4) assign priority rankings to recovery actions within the recovery plan (Step 4; Table 3). This prioritization process reflects a logical sequence for recovery plan development and implementation for a species: First, identify the species' risk; second develop the recovery plan; and third, implement the priority actions and monitor and evaluate progress. As new information is obtained through the monitoring and evaluation process, recovery plans will be updated or revised as described in the NMFS and U.S. Fish and Wildlife Service' Interim Endangered and Threatened Species Recovery Planning Guidance Version 1.3 (*http://www.nmfs.noaa.gov/pr/laws/esa/policies.htm*).

Step 1. Identify a Demographic Risk Category

As a first step, we categorize the severity of an ESA-listed species' extinction risk based on the productivity, spatial distribution, diversity, and abundance of the species. We assess the species' demographic risk based on information on past threats that have contributed to the species' current status and the biological response of the species to present and future threats. The severity of a species' demographic risk, relative to all species under our jurisdiction, will inform how we prioritize resources toward recovery plan development and implementation.

Depending on the listing status (endangered or threatened), we consider each Demographic Risk Category—productivity, spatial distribution, diversity, and abundance (Table 1; column 1) and the associated risk condition described in column 2 (Table 1; column 2). The risk condition is met when the listed entity (*i.e.,* species, subspecies, or Distinct Population Segment) is considered at risk for that category. For example, populations or subpopulations within a listed entity may vary in terms of their productivity. Some may be at or below depensation, while others are stable and healthy. In those cases, we consider which population(s) contributes most substantially to the overall viability of the listed entity. If certain populations or subpopulations are at or below depensation and are so important to the listed entity that their loss would substantially increase the listed entity's extinction risk, then the risk condition applies.

If an endangered species meets *any* of the risk conditions in column 2 (Table 1), then the species is considered a HIGH demographic risk, regardless of its population trend. If an endangered species *does not meet any* of the risk conditions in column 2 (Table 1), then population trend information is used to categorize the demographic risk—*e.g.,* HIGH if the population trend is declining or unknown, MODERATE or HIGH if the trend is mixed, and MODERATE if the trend is stable, or increasing. For a mixed population trend, a HIGH rating should be assigned if key populations are declining such that their continued decline would contribute substantially to the listed entity achieving the adverse risk conditions described in Table 1, otherwise a MODERATE rating should be assigned for mixed population trends.

If a threatened species meets *any* of the risk conditions in column 2 (Table 1), the species is assigned a MODERATE demographic risk, regardless of its population trend. If a threatened species *does not meet any* of the risk conditions in column 2 (Table 1), its population trend is used to assign the demographic risk—*e.g.,* MODERATE if the trend is declining or unknown, LOW or MODERATE if the trend is mixed, and LOW if the trend is stable, or increasing. For a mixed population trend, a MODERATE rating should be assigned if key populations are declining such that their continued decline would contribute substantially to the listed entity achieving the adverse risk conditions described in Table 1, otherwise a LOW should be assigned for mixed population trends.

We report the species' population trends biennially to Congress pursuant to section 4(f)(3). To ensure consistency with what we report to Congress and how we set priorities for recovery planning and implementation, we will apply the following general guidelines:

Use a minimum of 3 or more abundance estimates for key population(s) over 10 year period or, depending on taxa (*e.g.,* sea turtles), all available data years (>3 data points) for trend estimation.

1. *Increasing:* The species (includes consideration of all population units that make up the species 'as-listed') shows measurably higher numbers from assessment to assessment.

2. *Stable:* The species shows no measurable increase or decrease over the period of time between assessments.

3. *Decreasing:* The species shows measurably lower numbers from assessment to assessment.

4. *Mixed:* Mixed is a designation reserved for species with multiple populations, and species are considered mixed if there are at least 3 data points and the criteria for increasing, decreasing, and stable are not met.

5. *Unknown:* The species has fewer than 3 data points over a 10 year period to estimate trends or there is uncertainty over data quality.

TABLE 1—SEVERITY OF SPECIES' DEMOGRAPHIC RISK

Demographic risk category	Risk condition	Demographic risk rank [1]	
		Endangered	Threatened
Productivity	At or below depensation	If any one of these risk conditions is met, the ranking is HIGH. If not, use the Trend information below to determine rank.	If any one of these risk conditions is met, the ranking is MODERATE. If not, use the Trend information below to determine rank.
Spatial distribution	Limited/fragmented Spatial Distribution; vulnerable to catastrophe.		
Diversity	Low genetic and phenotypic diversity severely limiting adaptive potential.		
Abundance	One, or a few, small population(s) or subpopulations.		
Trends	Decreasing Trend/Unknown	HIGH	MODERATE.
	Mixed Trend	HIGH/MODERATE	MODERATE/LOW.
	Stable Trend	MODERATE	LOW.

TABLE 1—SEVERITY OF SPECIES' DEMOGRAPHIC RISK—Continued

Demographic risk category	Risk condition	Demographic risk rank [1]	
		Endangered	Threatened
	Increasing Trend	MODERATE	LOW.

[1] For those species with recovery plans, the endangered or threatened category may be applied to a species currently not listed as such if NMFS has recommended a reclassification through a 5-year review or proposed rule.

Step 2. Identify Categories of Recovery Potential

In Step 2, we evaluate a species' recovery potential. We have defined recovery potential to include three components: (1) Whether the origin of major threats is known and the species response to those major threats is well understood; (2) whether the United States has jurisdiction, authority, or influence to implement management or protective actions to address major threats; and (3) the certainty that management or protective actions will be effective. Each of the three components is considered to be ''High'' or ''Low to Moderate'' based on the following definitions:

Recovery Potential Component 1: Major Threats Well Understood

- *High:* Natural and man-made threats that have a major impact on the species' ability to persist have been identified, and the species' response to those threats are well understood. Data needs to fill knowledge gaps on major threats that have an impact on the species' ability to persist are minimal.
- *Low to Moderate:* Natural and man-made threats that have or are believed to have a major impact on the species' ability to persist may not have been identified, and/or the species' response to those major threats are not well understood. Data needs to fill knowledge gaps on major threats that have or are believed to have an impact on the species' ability to persist are substantial.

Recovery Potential Component 2: U.S. Jurisdiction, Authority, or Influence Exists for Management or Protective Actions To Address Major Threats

- *High:* Management or protective actions to address major threats are primarily under U.S. authority or the United States can influence the abatement of major threats through existing international mechanisms (*e.g.,* treaties, conventions, and agreements).[1] This also applies to transnational species that spend only a portion of their life cycle in U.S. waters, but major threats can be addressed by U.S. actions during that portion of their life cycle. Where climate change impacts are a major threat and necessary actions to abate the threat are global in nature, management or protective actions under U.S. authority to address a threat that would help offset the impacts of climate change would fall into this category.
- *Low to Moderate:* Management or protective actions to address major threats are mainly outside U.S. authority or ability to influence the abatement of major threats in other waters through existing international mechanisms (*e.g.,* treaties, conventions, and agreements).

Recovery Potential Component 3: Certainty That Management or Protective Actions Will Be Effective

- *High:* Management or protective actions do not use novel or experimental techniques, are technically feasible, and have been successful at removing, reducing or mitigating effects of major threats. Where climate change impacts are a major threat and actions to abate the threat are global, then management or protective actions under U.S. authority that effectively address a threat to help offset the impacts of climate change would fall into this category. Demonstrated success may be incremental on a small scale or with a few individuals, and can be demonstrated through surrogate species. For species with current recovery plans, high certainty of effectiveness may be measured on the basis of individual recovery actions. If there are multiple recovery actions needed to address a major threat that impedes recovery, not all need to fit the criteria of high certainty of effectiveness. If there are multiple major threats, only one major threat needs to meet the high level of certainty to be assigned this category.
- *Low to Moderate:* Management or protective actions, if known, may be novel or experimental, may not be technically feasible, and have less certainty of removing, reducing, or mitigating effects of major threats.

[1] Including in the U.S. territorial sea, Exclusive Economic Zone and the high seas.

Step 3. Assign Recovery Priority Number for Plan Development and Implementation

In Step 3, we combine the results of the Demographic Risk Rank (Step 1) and Recovery Potential (Step 2) to assign Recovery Priority numbers, which will be used to prioritize resources for recovery plan development and implementation. We assign the greatest weight to demographic risk (Table 2; column 1), because species with more severe demographic risks are at greater risk of extinction. Although demographic risk is the most important factor to consider in assigning a Recovery Priority number, the species' recovery potential is also an important factor. For example, a species with a HIGH demographic risk and a low recovery potential for all three components (major threats understood, management actions exist under U.S. authority or influence to abate major threats, and certainty that actions will be effective) will be a lower priority than a species with a MODERATE or LOW demographic risk and a high recovery potential.

For Recovery Potential (Table 2; Columns 2, 3, and 4), we assign the weights as follows:

1. The greatest weight is given to when major threats are well understood. In order to identify effective management or protective actions, we need to understand the threats that impact the species' ability to persist;

2. The second greatest weight is given to management or protective actions under U.S. authority or ability to influence the abatement of major threats. We acknowledge that management or protective actions outside of U.S. authority exist and may greatly influence recovery progress for transnational species that spend a portion of their life history within U.S. waters. However, for the purposes of prioritizing, we assign a greater weight to those species and recovery plans for which recovery actions are or are expected to be mainly under U.S. authority because this is where we have the greatest influence to implement recovery actions;

3. The lowest weight is given to the certainty that management or protective

actions will be effective, because the likelihood of effectiveness depends on whether sufficient knowledge of threats to develop actions exists and are under U.S. authority or ability to influence implementation of such actions;

TABLE 2—RECOVERY PRIORITY FOR RECOVERY PLAN DEVELOPMENT AND IMPLEMENTATION

Demographic risk [a]	Recovery potential			Recovery priority
	Major threats are well understood	U.S. Jurisdiction, authority, or influence exists for management or protective actions to address major threats	Certainty that management or protective actions will be effective	
HIGH	High	High	High	1
HIGH	High	High	Low to Moderate	2
HIGH	High	Low to Moderate	High	3
MODERATE	High	High	High	4
HIGH	Low to Moderate	High	High	5
HIGH	High	Low to Moderate	Low to Moderate	6
MODERATE	High	High	Low to Moderate	7
LOW	High	High	High	8
HIGH	Low to Moderate	High	Low to Moderate	9
MODERATE	High	Low to Moderate	High	10
LOW	High	High	Low to Moderate	11
HIGH	Low to Moderate	Low to Moderate	High	12
MODERATE	Low to Moderate	High	High	13
MODERATE	High	Low to Moderate	Low to Moderate	14
LOW	High	Low to Moderate	High	15
HIGH	Low to Moderate	Low to Moderate	Low to Moderate	16
MODERATE	Low to Moderate	High	Low to Moderate	17
LOW	Low to Moderate	High	High	18
LOW	High	Low to Moderate	Low to Moderate	19
MODERATE	Low to Moderate	Low to Moderate	High	20
LOW	Low to Moderate	High	Low to Moderate	21
MODERATE	Low to Moderate	Low to Moderate	Low to Moderate	22
LOW	Low to Moderate	Low to Moderate	High	23
LOW	Low to Moderate	Low to Moderate	Low to Moderate	24

[a] Demographic Risk Rank was determined in Table 1. HIGH or MODERATE may be an Endangered species and MODERATE or LOW may be a Threatened species (see Table 1).

Step 4. Assign Recovery Action Priority

In Step 4, we prioritize recovery actions contained in a recovery plan. NMFS will assign recovery action priorities of 1 to 4 based on the criteria described below. Assigning priorities does not imply that some recovery actions are not important; instead, it simply means that they may be deferred while higher priority recovery actions are being implemented. All recovery actions will be assigned priorities based on the following:

Priority 1 Actions: These are the recovery actions that must be taken to *prevent extinction* and often require urgent implementation. Because threatened species by definition are likely *to become* an endangered species within the foreseeable future and are *presently not* in danger of extinction, Priority 1 should be given primarily to recovery actions for species ranked as HIGH demographic risk in Table 1. The use of Priority 1 recovery actions in a recovery plan for a species with MODERATE demographic risk should be done judiciously and thoughtfully. Even the highest priority actions within a particular plan will not be assigned a Priority 1 ranking unless they are actions necessary to prevent a species from becoming extinct or are research actions to fill knowledge gaps and identify management actions necessary to prevent extinction. Therefore, some plans will not have any Priority 1 actions.

Priority 2 Actions: These are actions to remove, reduce, or mitigate major threats or fill knowledge gaps and prevent continued population decline, but their implementation is less urgent than Priority 1 actions.

Priority 3 Actions: These are all actions that should be taken to remove, reduce, or mitigate any remaining threats and ensure the species can maintain an increasing or stable population to achieve delisting criteria, including monitoring to demonstrate achievement of demographic criteria.

Priority 4 Actions: These are actions that are not linked to downlisting and/or delisting criteria and are not needed for ESA recovery, but are needed to facilitate post-delisting monitoring, such as the development of a post-delisting monitoring plan that provides monitoring design (*e.g.,* sampling error estimates). Some of these actions may carry out post-delisting monitoring.

Priority 0 Other Actions: These are actions that are not needed for ESA recovery but that would advance broader goals beyond delisting. Other actions include, for example, other legislative mandates or social, economic, and ecological values. These actions are given a zero priority number because they do not fall within the priorities for delisting the species, yet the numeric value allows tracking these types of actions in the NMFS' Recovery Action Mapping Tool Database.

We must avoid assigning recovery actions a higher priority than is warranted. For example, threatened species by definition are likely *to become* an endangered species within the foreseeable future and are *presently not* in danger of extinction; thus a Priority 1 would likely not apply to recovery actions for a threatened species. Even the highest priority actions within a particular plan should not be assigned a Priority 1 ranking unless they are actions necessary to prevent a species from becoming extinct or are research actions to fill knowledge gaps and identify management actions necessary to prevent extinction. Therefore, some plans will not have any

Priority 1 actions. At the same time, we also need to be careful not to assign a lower priority than is warranted, simply because an action is but one component of a larger effort that must be undertaken. For instance, there is often confusion as to whether a research action can be assigned a Priority of 1 since, in and of itself, it will not prevent extinction. However, the outcome of a research project may provide critical information necessary to initiate a protective action to prevent extinction (*e.g.,* applying the results of a genetics study to a captive propagation program for a seriously declining species) and would warrant Priority 1 status.

Most actions will likely be Priority 2 or 3, since the majority of actions will likely contribute to preventing further declines of the species, but may not prevent extinction. This system recognizes the need to work toward the recovery of all listed species, not simply those facing the highest magnitude of threat. In general, NMFS intends that Priority 1 actions will be addressed before Priority 2 actions and Priority 2 actions before Priority 3 actions, etc. But we also recognize that some lower priority actions may be implemented before Priority 1 actions, for example because a partner is interested in implementing a lower priority action, because a Priority 1 action is not currently possible (*e.g.,* there is lack of political support for the action), or because implementation of the Priority 1 action may take many years.

For some species, especially those with complicated recovery programs involving many actions, it may be useful to assign sub-priorities within these categories, *e.g.,* Priority 2a, Priority 2b, Priority 2c. If sub-priorities are assigned, a definition of, and criteria for, each sub-priority should be provided in the recovery plan.

TABLE 3—RECOVERY PLAN RECOVERY ACTION PRIORITY NUMBERS

Priority	Description
1	Actions that must be taken to prevent extinction, including research actions to identify those actions that must be taken to prevent extinction.
2	Actions that must be taken to prevent a significant decline in species population/habitat quality or in some other significant negative impact short of extinction. This includes research actions to identify those actions that must be taken to prevent such impacts.
3	Remaining actions that must be taken to achieve delisting criteria, including monitoring to demonstrate achievement of demographic criteria.
4	Actions necessary to facilitate post-delisting monitoring.
0	All other actions that are not required for ESA recovery but that would advance broader goals beyond delisting.

Process for Applying the Revised Part B: Recovery Plan Preparation and Implementation Priorities

The lead NMFS Region or Headquarters will identify a species' Recovery Priority number (Step 3; Table 2) by assessing the species' Demographic Risk Category (Step 1; Table 1) and Recovery Potential (Step 2) and apply it to the Recovery Priority (Step 3; Table 2). Where multiple NMFS Regions are involved, the lead region or headquarters office will coordinate with all NMFS regions involved to reach consensus on the Demographic Risk Category, Recovery Potential, and Recovery Priority. Application of these guidelines to assess recovery priority relative to all species within our jurisdiction will be done on a biennial basis as part of the report to Congress (section 4(f)(3)) and through the 5-year review process (section 4(c)(2)). We anticipate the recovery prioritization to be a dynamic process—as more information is made available through research and monitoring about demographic risk, limiting factors and threats, the species could move up or down the priority scale depending on whether the new information reveals there are management or protective actions that can be implemented and be effective at recovering the species.

Recovery Action Priority Numbers will be assigned to each recovery action when the recovery plan is developed, revised, or updated. These revised guidelines will apply only to plans that are developed, revised, or updated after the finalization of these guidelines. As the results of research or monitoring of recovery implementation become available, the Recovery Action Priority Numbers can be modified through plan updates or revisions to address changing priorities based on this new information.

Proposed Revisions to Part C: Recovery Plans

NMFS believes that periodic review of and updates to recovery plans and tracking recovery efforts are important elements of a successful recovery program. As we develop recovery plans for each species, specific recovery actions are identified and prioritized according to the criteria discussed above. This prioritization process recognizes that recovery plans should be viewed as living documents, and that research and monitoring, planning, and implementation describe a cycle of adaptive implementation of recovery actions for ESA-listed species. Even after recovery planning is complete and the plan is being implemented, key information gaps and uncertainties should constantly be evaluated. Research and monitoring results should inform recovery plan changes and refine strategies to implement recovery actions. The recovery action priority ranking, together with the species recovery priority, will be used to set priorities for funding and implementation of individual recovery actions.

Definitions

For purposes of this guidance only, the below terms have the following meanings:

Endangered species: Any species that is in danger of extinction throughout all or a significant portion of its range. NMFS interprets an ''endangered species'' to be one that is presently in danger of extinction.

Demographic Risk: Characteristics of a population (productivity, spatial distribution, diversity, abundance, and population trend) that are indicators of the species ability to persist.

Depensation: The effect on a population whereby, due to certain causes, a decrease in the breeding population leads to reduced production and survival of eggs or offspring.

Foreseeable future: For purposes of this guidance, the ''foreseeable future'' describes the extent to which the Secretary can, in making determinations about the future conservation status of the species, reasonably rely on predictions about the future (Department of the Interior Solicitor's Memorandum M–37021, ''The Meaning

of 'Foreseeable Future' in Section 3(20) of the Endangered Species Act''(Jan. 16, 2009)). The time period that constitutes the foreseeable future is case-specific and should consider the life history of the species, habitat characteristics, availability of data, kinds of threats, ability to predict threats and their impacts, and the reliability of models used to forecast threats over that ''foreseeable future.''

Major Threat: A 'major' threat is defined as a threat whose scope, immediacy, and intensity results in a response by the species that prevents the improvement of its status to the point that such species may not be reclassified or delisted based on the factors set out in section 4(a)(1) of the ESA. Conversely, non-major threats are those threats whose scope, immediacy, and intensity results in a response by the species but singularly or cumulatively do not prevent the improvement of its status to the point that such species may be reclassified or delisted based on the factors set out in section 4(a)(1) of the ESA.

Technically Feasible: Technically feasible refers to the scientific, engineering, and operational aspects of management or protective actions that are capable of being implemented.

Threatened species: Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. A ''threatened species'' is not presently in danger of extinction, but is likely to become so in the foreseeable future. The primary statutory difference between a threatened species and an endangered species is the timing of when a species is in danger of extinction, either presently (endangered) or in the foreseeable future (threatened).

Authority: 16 U.S.C. 1531 *et seq.*

Dated: May 24, 2017.

Alan D. Risenhoover,

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

[FR Doc. 2017–11157 Filed 5–30–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC969

Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing—Acoustic Threshold Levels for Onset of Permanent and Temporary Threshold Shifts

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

ACTION: Notice; request for comments.

SUMMARY: The National Marine Fisheries Service (NMFS) seeks public comment to assist the Secretary of Commerce's review of NMFS' August 2016 *Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing: Underwater Acoustic Thresholds for Onset of Permanent and Temporary Threshold Shifts* (Technical Guidance), pursuant to section 10 of Presidential Executive Order (EO) 13795, Implementing an America-First Offshore Energy Strategy (April 28, 2017).

DATES: Comments must be received by July 17, 2017.

ADDRESSES: The Technical Guidance is available in electronic form via the Internet at *http://www.nmfs.noaa.gov/pr/acoustics/.* You may submit comments by including NOAA–NMFS–2013–0177, by either of the following methods:

Federal e-Rulemaking Portal: Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0177,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments

Mail: Send comments to: Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3226, Attn: Acoustic Guidance.

Instructions: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record and NMFS will generally post 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 is publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Amy Scholik-Schlomer, Office of Protected Resources, 301–427–8449, *Amy.Scholik@noaa.gov.*

SUPPLEMENTARY INFORMATION: Presidential Executive Order (EO) 13795, Implementing an America-First Offshore Energy Strategy (82 FR 20815; April 28, 2017), states in section 2 that ''It shall be the policy of the United States to encourage energy exploration and production, including on the Outer Continental Shelf, in order to maintain the Nation's position as a global energy leader and foster energy security and resilience for the benefit of the American people, while ensuring that any such activity is safe and environmentally responsible.''

Among the requirements of EO 13795 is section 10, which calls for a review of NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing as follows: ''The Secretary of Commerce shall review [NMFS' Technical Guidance] for consistency with the policy set forth in Section 2 of this order and, after consultation with the appropriate Federal agencies, take all steps permitted by law to rescind or revise that guidance, if appropriate.''

The 2016 Technical Guidance referred to in EO 13795 is a technical document that compiles, interprets, and synthesizes scientific literature, to produce updated thresholds for assessing the effects of underwater sound on marine mammal hearing. The document provides updated received levels, or acoustic thresholds, above which individual marine mammals under NMFS' jurisdiction are predicted to experience changes in their hearing sensitivity (either temporary or permanent) for all underwater human-made sound sources. It is intended for use by NMFS analysts and managers and other relevant user groups and stakeholders, including other Federal agencies, when seeking to determine whether and how their activities are expected to result in hearing impacts to marine mammals via acoustic exposure. The Technical Guidance does not represent the entirety of an impact assessment but rather serves as one tool to help evaluate a proposed action. Mitigation and monitoring requirements in connection with any permits or authorizations issued by NMFS are management decisions made in the context of a proposed activity and a comprehensive effects analysis as well

as legal requirements, and are beyond the direct scope of the Technical Guidance (*i.e.,* the Technical Guidance may inform these decisions, but the Technical Guidance does not mandate any specific mitigation be required).

NMFS acknowledges the importance of supporting sustainable ocean use, such as energy exploration and production on the Outer Continental Shelf, provided activities are conducted in a safe and environmentally responsible manner. Our development and implementation of the Technical Guidance are consistent with allowing activities vital to our nation's security and economy to proceed, including those mentioned in EO 13795. As an example, during the development of the Technical Guidance, NMFS recognized that action proponents may have varying abilities to model and estimate exposure, and that the Technical Guidance may be more complex than some action proponents are able to incorporate. Accordingly, NMFS developed optional user tools in the form of an alternative methodology and associated user spreadsheet to assist action proponents with the application the more complex acoustic thresholds. Additionally, NMFS recognized that for some proposed actions, analyses may have already substantially progressed using the prior thresholds or other methods for assessing hearing effects, and it would be impractical to begin those analyses anew, taking into account timing constraints, expense, and other considerations. Hence, NMFS has been using a transitional approach for ''pipeline'' cases that considers various factors to determine the extent to which the Technical Guidance would be considered.

The Office of Management and Budget previously classified the Technical Guidance as a Highly Influential Scientific Assessment (HISA). As such, the document underwent three independent peer reviews, at three different stages its development, including a follow-up to one of the peer reviews, prior to its dissemination by NMFS. Details of each peer review are included within the Technical Guidance (Appendix C), and specific peer reviewer comments and NMFS' responses are at *http://www.nmfs.noaa.gov/pr/acoustics/.* In addition to three independent peer reviews, there were three public comment periods. A previously published **Federal Register** Notice (81 FR 51694; August 4, 2016) provides substantive public comments and NMFS' responses.

NMFS is soliciting public comment and will also consult the appropriate Federal agencies to assist the Secretary of Commerce in reviewing the Technical Guidance for consistency with the policy in section 2 of EO 13795. The Technical Guidance will remain in use during this review, and this review will not delay the processing of any permits, applications, or consultations currently underway.

NMFS advises the public to focus comments on those relating to the purpose of the review of the Technical Guidance under section 10 of EO 13795, which is to ensure consistency with the policy in section 2 of the EO, cited above. For example, NMFS welcomes comments on two particular aspects of the Technical Guidance:

(1) *Peer-reviewed scientific literature:* Information regarding the availability of published new science relevant to marine mammal hearing or impacts of noise on hearing since the publication of the Technical Guidance and suggestions for how to consider new information within the Technical Guidance, and

(2) *Implementation support:* Recommendations regarding how NMFS can further aid in the application and implementation of the Technical Guidance (based on difficulties encountered and/or ways NMFS can facilitate and/or improve implementation for action proponents).

Dated: May 24, 2017.

Donna S. Wieting

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–11035 Filed 5–30–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF466

Western Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold a meeting of its Hawaii Archipelago Fishery Ecosystem Plan (FEP) Advisory Panel (AP) to discuss and make recommendations on fishery management issues in the Western Pacific Region.

DATES: The Hawaii Archipelago FEP AP will meet on Thursday, June 15, 2017, from 9 a.m. to 11 a.m. All times listed are local island times. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The Hawaii Archipelago FEP AP will meet at the Council Office, 1164 Bishop St., Suite 1400, Honolulu, HI 96813 and by teleconference. The teleconference will be conducted by telephone. The teleconference numbers are: U.S. toll-free: 1–888–482–3560 or International Access: +1 647 723–3959, and Access Code: 5228220.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: Public comment periods will be provided in the agenda. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Schedule and Agenda for the Hawaii Archipelago FEP AP Meeting

Thursday, June 15, 2017, 9 a.m.–11 a.m.

1. Welcome and Introductions
2. Report on Previous Council Action Items
3. Council Issues

A. Sustainable Fisheries Fund Marine Conservation Plan

B. Options for Fishing Regulations in the Northwestern Hawaiian Islands Monument Expansion Area

C. Research Priorities
   i. Cooperative Research
   ii. Five-year Research Priorities

D. Re-specification of ACL for the MHI Kona Crab Fishery

4. Hawaii FEP Community Activities
5. Hawaii FEP AP Issues
   A. Report of the Subpanels
   i. Island Fisheries Subpanel
   ii. Pelagic Fisheries Subpanel
   iii. Ecosystems and Habitat Subpanel
   iv. Indigenous Fishing Rights Subpanel
   B. Other Issues
6. Public Comment
7. Discussion and Recommendations
8. Other Business

Although other non-emergency issues not on the agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: May 26, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–11287 Filed 5–30–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of State Coastal Management Programs

AGENCY: Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

ACTION: Notice.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management is soliciting comments on the performance evaluation of the Washington Coastal Management Program. The Office for Coastal Management will hold a public meeting to solicit comments, and will also accept written comments as part of the evaluation of the Washington Coastal Management Plan.

DATES: *Washington Coastal Management Program Evaluation:* The public meeting will be held on June 27, 2017, and written comments must be received on or before July 7, 2017.

For specific dates, times, and locations of the public meetings, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: You may submit comments on the program NOAA intends to evaluate by any of the following methods:

Public Meeting and Oral Comments: A public meeting will be held in Lacey, Washington. For the specific location, see **SUPPLEMENTARY INFORMATION.**

Written Comments: Please direct written comments to Carrie Hall, Evaluator, Planning and Performance Measurement Program, Office for Coastal Management, NOS/NOAA, 1305 East-West Highway, 11th Floor, N/OCM1, Silver Spring, Maryland 20910, or email comments *Carrie.Hall@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Carrie Hall, Evaluator, Planning and Performance Measurement Program, Office for Coastal Management, NOS/NOAA, 1305 East-West Highway, 11th Floor, N/OCM1, Silver Spring, Maryland 20910, (240) 533–0730 or *Carrie.Hall@noaa.gov.* Copies of the previous evaluation findings and 2016–2020 Assessment and Strategy may be viewed and downloaded on the Internet at *http://coast.noaa.gov/czm/evaluations.* A copy of the evaluation notification letter and most recent progress report may be obtained upon request by contacting the person identified under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: Section 312 of the Coastal Zone Management Act (CZMA) requires NOAA to conduct periodic evaluations of federally approved state and territorial coastal programs. The process includes one or more public meetings, consideration of written public comments and consultations with interested Federal, state, and local agencies and members of the public. During the evaluation, NOAA will consider the extent to which the state has met the national objectives, adhered to the management program approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the CZMA. When the evaluation is completed, NOAA's Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

Specific information on the periodic evaluation of the state and territorial coastal program that is the subject of this notice is detailed below as follows:

Washington Coastal Management Program Evaluation

You may participate or submit oral comments at the public meeting scheduled as follows:

Date: June 27, 2017.

Time: 5:30 p.m., local time.

Location: Department of Ecology, Auditorium, 300 Desmond Drive SE., Lacey, WA 98503.

Written public comments must be received on or before July 7, 2017.

Dated: May 16, 2017.

Paul M. Scholz,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2017–11135 Filed 5–30–17; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE461

Western Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of public meetings and hearings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold its 126th Scientific and Statistical Committee (SSC) meeting, Fishery Data Collection and Research Committee (FDCRC) and its 170th Council meeting to take actions on fishery management issues in the Western Pacific Region.

DATES: The meetings will be held between June 13 and June 22. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The 126th SSC; FDCRC; Fishery Rights of Indigenous People Standing Committee; Pelagic, International, Enforcement and Vessel Monitoring System (VMS) Standing Committee; and Executive and Budget Standing Committee meetings will be held at the Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, phone: (808) 522–8220. The 170th Council meeting will be held at the Laniakea YWCA, Fuller Hall, 1040 Richards Street, Honolulu HI 96813, phone: (808) 538–7061. The Fishers Forum will be held at the Pomaika'i Ballrooms at Dole Cannery Iwilei, 735 Iwilei Rd, Honolulu, HI 96817, phone: (808) 369–8600.

FOR FURTHER INFORMATION CONTACT: Contact Kitty M. Simonds, Executive Director, phone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The 126th SSC meeting will be held between 8:30 a.m. and 5 p.m. on June 13–15, 2017. The FDCRC will be held on June 19, 2017, between 8:30 a.m. and 10:30 a.m. The Fishery Rights of Indigenous People Standing Committee will be held on June 19, 2017, between 10:30 a.m. and 12:30 p.m. The Pelagic, International, Enforcement and VMS Standing Committee will be held on June 19, 2017, between 1 p.m. and 4 p.m. The Executive and Budget Standing Committee will be held on June 19, 2017, from 4 p.m. to 6 p.m. The 170th Council meeting will be held between June 20, 2017, and June 22, 2017, between 8:30 a.m. to 5 p.m. each day. On June 21, 2017, the Council will host

a Fishers Forum between 6 p.m. and 9 p.m. In addition to the agenda items listed here, the Council and its advisory bodies will hear recommendations from Council advisors. An opportunity to submit public comment will be provided throughout the agendas. The order in which agenda items are addressed may change and will be announced in advance at the Council meeting. The meetings will run as late as necessary to complete scheduled business. Background documents will be available from, and written comments should be sent to, Kitty M. Simonds, Executive Director; Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, phone: (808) 522–8220 or fax: (808) 522–8226.

Agenda for 126th SSC Meeting

Tuesday, June 13, 2017, 8:30 a.m. to 5 p.m.

1. Introductions
2. Approval of Draft Agenda and Assignment of Rapporteurs
3. Status of the 125th SSC Meeting Recommendations
4. Report from the Pacific Islands Fisheries Science Center Director
5. National Standard 2 Briefing
6. Program Planning and Research
   - A. 2016 Stock Assessment and Fishery Evaluation (SAFE) Report and recommendations
     1. Archipelagic Report overview and highlights
     2. Pelagic Report overview and highlights
     3. Precious corals essential fish habitat (EFH) review and options
     4. Non-fishing impacts to EFH review and options
   - B. Evaluation of 2016 catch to the 2016 Annual Catch Limits (ACLs) (Action Item)
   - C. Updates on the Ecosystem Component analysis in American Samoa, Marianas and Hawaii
   - D. Options for fishing regulations in the Northwestern Hawaiian Islands (NWHI) Monument Expansion Area (MEA) (Action Item)
   - E. Updates to the Council's research priorities
     1. Five-Year research priorities
     2. Cooperative Research priorities
   - F. Working group report on the Stock Assessment Improvement Plan updates
   - G. Discussion on the Best Scientific Information Available policy guidance
   - H. Public Comment
   - I. SSC Discussion and Recommendations
7. Insular Fisheries
   - A. Re-specification of acceptable biological catch for the main Hawaiian island Kona crab fishery (Action item)
   - B. Public Comment
   - C. SSC Discussion and Recommendations

Wednesday, June 14, 2017, 8:30 a.m. to 5 p.m.

8. Pelagic Fisheries
   - A. Potential actions for the American Samoa Large Vessel Prohibited Area (LVPA) (Action item)
   - B. 2017 Hawaii longline bigeye tuna projections
   - C. Longline Fisheries
     1. American Samoa Longline Report
     2. Updates on the development of spatial maps
     3. SSC discussion on longline effort redistribution scenarios from monument closure
   - D. Report on American Samoa LVPA and fisheries statistics
   - E. International Fisheries
     1. Inter-American Tropical Tuna Commission (IATTC) 2016 Stock Assessment
     2. Western and Central Pacific Fisheries Commission (WCPFC)
     a. Pre-assessment Workshop Summary
     3. International Scientific Committee (ISC) 2016 Blue Marlin stock assessment
   - F. Public Comment
   - G. SSC Discussion and Recommendations
9. Protected Species
   - A. Main Hawaiian Islands (MHI) insular false killer whale abundance estimate
   - B. Seabird Workshop Plan
   - C. Report of the Protected Species Advisory Committee Meeting
   - D. Updates on Endangered Species Act (ESA) Consultations
   - E. Updates on ESA and Marine Mammal Protection Act (MMPA) Actions
   - F. Public Comment
   - G. SSC Discussion and Recommendations

Thursday, June 15, 2017, 8:30 a.m. to 5 p.m.

10. Other Business
    - A. 127th SSC Meeting
    - B. Updates on the status of the SSC plan
11. Summary of SSC Recommendations to the Council

Agenda for Fishery Data Collection and Research Committee (FDCRC)

Monday, June 19, 2017, 8:30 a.m. to 10:30 a.m.

1. Welcome Remarks
2. Introductions
3. Update on previous FDCRC recommendations
4. Agency reports on fishery data collection improvement efforts
   - A. Western Pacific Fishery Management Council
   - B. Pacific Islands Fisheries Science Center
   - C. Commonwealth of the Northern Mariana Islands—Division of Fish and Wildlife
   - D. Guam—Division of Aquatic and Wildlife Resources
   - E. Hawaii—Division of Aquatic Resources
   - F. American Samoa—Department of Marine and Wildlife Resources
5. Renewal of FDCRC Commitments to improving regional fishery data collection
6. Marine Recreational Information Program Pacific Islands Regional Implementation Plan
7. Data sharing agreements
8. Regional fishery independent data coordination
9. Report on FDCRC-Technical Committee
10. Public Comment
11. Discussions and Recommendations
12. Adjourn

Agenda for the Fishery Rights of Indigenous People Standing Committee

Monday, June 19, 2017, 10:30 a.m. to 12:30 p.m.

1. Introductions
2. Community Development Program and Marine Education Training Funding
3. Report on indigenous fishing rights
4. Options for fishing regulations in the NWHI MEA (Action item)
5. American Samoa LVPA (Action item)
6. Other Indigenous Issues
7. Advisory Group Report and Recommendations
   - A. Advisory Panels
   - B. Plan Team
   - C. Non-Commercial Fisheries Advisory Committee
   - D. SSC
8. Public comment
9. Discussion and Recommendations

Agenda for the Pelagic, International, Enforcement and VMS Standing Committee

Monday, June 19, 2017, 1:00 p.m. to 4:00 p.m.

Pelagic & International Fisheries

1. 2017 Hawaii longline bigeye tuna catch projection
2. American Samoa LVPA (Action Item)
3. American Samoa longline permit modifications (Action Item)

4. Options for Fishing Regulations in the NWHI MEA (Action Item)
5. Report on Forum Fisheries Committee meeting
6. International Fisheries Meetings
A. WCPFC
B. IATTC
C. ISC Blue Marlin Stock Assessment
7. Other Issues

Enforcement and VMS

8. U.S. Coast Guard Report
9. NOAA Office of Law Enforcement and General Counsel Enforcement Litigation Reports
10. Global Fishing Watch Demonstration
11. Other Issues
12. Advisory Group Report and Recommendations
A. Advisory Panel
B. Pelagic Plan Team
C. Non-Commercial Fisheries Advisory Committee
D. SSC
13. Public Comment
14. Pelagic and International Standing Committee Recommendations
15. Enforcement and VMS Standing Committee Recommendations

Agenda for the Executive and Budget Standing Committee

Monday June 19, 2017, 4 p.m. to 6 p.m.

1. Administrative Report
2. Financial Report
3. Report on the Council Coordination Committee
4. Meetings and Workshops
5. Council Family Changes
6. Standard Operating Practices and Procedures (SOPP) Changes—Legislative Committee
7. Other Issues
8. Public Comment
9. Discussion and Recommendations

Agenda for 170th Council Meeting

Tuesday, June 20, 2017, 8:30 a.m. to 5 p.m.

1. Welcome and Introductions

Tribute to Richard Seman

2. Approval of the 170th Agenda
3. Approval of the 169th Meeting Minutes
4. Executive Director's Report
5. Agency Reports
A. National Marine Fisheries Service
1. Pacific Islands Regional Office
2. Pacific Islands Fisheries Science Center
B. NOAA Office of General Counsel, Pacific Islands Section
C. U.S. State Department
1. UN Oceans Conference
2. UN Marine Biodiversity Beyond National Jurisdictions
D. U.S. Fish and Wildlife Service
E. Enforcement
1. U.S. Coast Guard
2. NOAA Office of Law Enforcement
3. NOAA Office of General Counsel, Enforcement Section
F. Other Items
1. Status of Executive Order 13792 Review
2. Status of Executive Order 13795 Review
G. Enforcement and VMS Standing Committee Recommendations
H. Public Comment
I. Council Discussion and Action
6. Program Planning and Research
A. Update on the Fishery Ecosystem Plan Management Unit Species for Ecosystem Component Analysis
B. 2016 SAFE Report and recommendations
1. Archipelagic Report overview and highlights
2. Pelagic Report overview and highlights
3. Precious Coral EFH review and options
4. Non-fishing impacts to EFH review and options
C. Evaluation of 2016 catch to the 2016 ACLs (Action Item)
D. Options for the Omnibus Refinement of EFH
E. Update on Aquaculture Environmental Impact Statement (EIS)
F. Best Scientific Information Available policy guidance
G. Annual Update to the Council's research priorities
1. Five-Year research priorities
2. Cooperative Research priorities
H. Regional, National and International Outreach & Education
I. Advisory Group Report and Recommendations
1. Advisory Panel
2. Archipelagic Plan Team
3. Pelagic Plan Team
4. Marine Planning and Climate Change Committee
5. Protected Species Advisory Committee
6. Social Science Planning Committee
7. Non-Commercial Fisheries Advisory Committee
8. FDCRC
9. SSC
J. Public Hearing
K. Council Discussion and Action

Tuesday, June 20, 2017, 4:00 p.m.

Public Comment on Non-agenda Items

Wednesday, June 21, 2017, 8:30 a.m.–5 p.m.

7. Protected Species
A. MHI insular false killer whale abundance estimate
B. Seabird Workshop Plan
C. Updates on ESA Consultations
D. Updates on ESA and MMPA Actions
1. False Killer Whale Take Reduction Plan Implementation
2. Other Actions
E. Advisory Group Report and Recommendations
1. Advisory Panel
2. Protected Species Advisory Committee
3. FDCRC
4. SSC
F. Public Comment
G. Council Discussion and Action
8. Pelagic & International Fisheries
A. 2017 Hawaii longline bigeye tuna catch projection
B. American Samoa Annual Longline Fisheries Report
C. American Samoa LVPA (Action Item)
D. American Samoa Longline Permit Modifications (Action Item)
E. Update on scoping and development of Deep-set Longline Programmatic EIS
F. Report on Forum Fisheries Commission meeting
G. International Fisheries Meetings
1. IATTC 2016 Stock Assessments
2. WCPFC
a. Pre-assessment Workshop Summary
3. ISC Blue Marlin Stock Assessment
H. Advisory Group Report and Recommendations
1. Advisory Panel
2. Pelagic Plan Team
3. Marine Planning and Climate Change Committee
4. FDCRC
5. SSC
I. Fishery Rights of Indigenous People Standing Committee Recommendations
J. Pelagic and International Standing Committee Recommendations
K. Public Hearing
L. Council Discussion and Action
9. Mariana Archipelago
A. Guam
1. Isla Informe
2. Legislative Report
3. Enforcement Issues
4. Guam Fishery Council
5. Community Activities and Issues
a. Proposed community plan for Inarajan and Umatac
b. Update on Territorial Science Initiative
c. Update on Manell-Geus Habitat Blueprint
6. Education and Outreach Initiatives
B. Commonwealth of Northern Mariana Islands
1. Arongol Falú/Asunton i Tano
2. Legislative Report
3. Enforcement Issues

4. Community Activities and Issues
5. Education and Outreach Initiatives
C. Update on Marianas Trench Marine National Monument Management Plan and Sanctuary Request
D. Marine Conservation Plans (Action Item)
1. Territory of Guam
2. Commonwealth of Northern Mariana Islands
E. Advisory Group Reports and Recommendations
1. Advisory Panel
2. Non-Commercial Fisheries Advisory Committee
3. FDCRC
4. SSC
F. Fishery Rights of Indigenous People Standing Committee Recommendations
G. Public Hearing
H. Council Discussion and Action

Wednesday, June 21, 2017, 6 p.m. to 9 p.m.,

Fishers Forum—From Boat to Web: Understanding Catch Reporting and Fishery Monitoring

Thursday June 22, 2017, 8:30 a.m. to 5 p.m.

10. Hawaii Archipelago & Pacific Remote Island Areas (PRIA)
A. Moku Pepa
B. Legislative Report
C. Enforcement Issues
D. Community Issues
1. Promise to Paeaina
2. Moomomi Community-based management plan meetings
E. Re-specification of annual catch limits for the main Hawaiian island Kona crab fishery (Action Item)
F. Options for Fishing Regulations in the NWHI MEA (Action Item)
G. Marine Conservation Plan for PRIA and Hawaii (Action Item)
H. Report on MHI Bottomfish Working Group Meeting
I. State of Hawaii Coral Reef Bleaching Management Plan
J. Education and Outreach Initiatives
K. Advisory Group Report and Recommendations
1. Advisory Panel
2. Non-Commercial Fisheries Advisory Committee
3. FDCRC
4. SSC
L. Fishery Rights of Indigenous People Standing Committee Recommendations
M. Pelagic & International Standing Committee Recommendations
N. Public Hearing
O. Council Discussion and Action
11. American Samoa Archipelago
A. Motu Lipoti
B. Fono Report
C. Enforcement Issues
D. Community Activities and Issues
E. Fisheries Development
1. Longline Dock Update
2. Aunu'u Fishermen Development
3. Tutuila and Manu'a Alia Repair
4. Fishermen Training Program and Lending Scheme
5. Working Alia Project
6. Fagatogo Fish Market & Bottomfish Export
7. Manu'a Fishermen Cooperatives
F. Shark Law Revision
G. Education and Outreach
1. AmeriCorps and Kupu Hawaii Climate Change Resilience Internship Program
2. Graduating Scholarship Students Employment
3. Summer Fisheries High School Course
H. Advisory Group Reports and Recommendations
1. Advisory Panel
2. FDCRC
3. SSC
I. Fishery Rights of Indigenous People Standing Committee Recommendations
J. Public Comment
K. Council Discussion and Action
12. Administrative Matters
A. Financial Reports
B. Administrative Reports
C. Update on information inquiries and responses
D. Council Family Changes
1. Marine Planning and Climate Change Committee
2. Advisory Panels
3. Others
E. Report on the annual CCC meeting
F. SOPP Changes
1. Report of the legislative committee
G. Meetings and Workshops
H. Other Business
I. Fishery Rights of Indigenous People Standing Committee Recommendations
J. Executive and Budget Standing Committee Recommendations
K. Public Comment
L. Council Discussion and Action
13. Other Business

Non-emergency issues not contained in this agenda may come before the Council for discussion and formal Council action during its 170th meeting. However, Council action on regulatory issues will be restricted to those issues specifically listed in this document and any regulatory issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

These meetings are accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least five days prior to the meeting date.

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

Dated: May 26, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–11283 Filed 5–30–17; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before June 30, 2017.

ADDRESSES: Comments regarding the burden estimate or any other aspect of the information collection, including suggestions for reducing the burden, may be submitted directly to the Office of Information and Regulatory Affairs (OIA) in OMB within 30 days of this notice's publication by either of the following methods. Please identify the comments by ''OMB Control No. 3038–0049.''

- By email addressed to: *OIRAsubmissions@omb.eop.gov* or
- By mail addressed to: the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention Desk Officer for the Commodity Futures Trading Commission, 725 17th Street NW., Washington DC 20503.

A copy of all comments submitted to OIRA should be sent to the Commodity Futures Trading Commission (the ''Commission'') by either of the following methods. The copies should refer to ''OMB Control No. 3038–0049.''

- By mail addressed to: Christopher Kirkpatrick, Secretary of the

Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581;

- By Hand Delivery/Courier to the same address; or
- Through the Commission's Web site at *http://comments.cftc.gov.* Please follow the instructions for submitting comments through the Web site.

A copy of the supporting statements for the collection of information discussed herein may be obtained by visiting *http://RegInfo.gov.*

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.* 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.[1]

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 ICR 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.

FOR FURTHER INFORMATION CONTACT: Jocelyn Partridge, Special Counsel, Division of Clearing and Risk, (202) 418–5926, email: *jpartridge@cftc.gov;* Meghan Tente, Special Counsel, Division of Clearing and Risk, (202) 418–5785, email: *mtente@cftc.gov;* Jacob Chachkin, Special Counsel, Division of Swaps and Intermediary Oversight, (202) 418–5496, email: *jchachkin@cftc.gov;* or Dana Brown, Paralegal Specialist, Division of Market Oversight, (202) 418–5093, email: *dbrown@cftc.gov;* or (202)418–5093.

SUPPLEMENTARY INFORMATION:

Title: Procedural Requirements for Requests for Interpretative, No-Action and Exemptive Letters (OMB Control No. 3038–0049). This is a request for an extension of a currently approved information collection.

Abstract: 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 number. This collection covers the information requirements for voluntary requests for, and the issuance of, interpretative, no-action, and exemptive letters submitted to Commission staff pursuant to the provisions of § 140.99 of the Commission's regulations,[2] and related requests for confidential treatment pursuant to § 140.98(b)[3] of the Commission's regulations. It includes reporting and recordkeeping requirements.

The collection requirements described herein are voluntary. They apply to parties that choose to request a benefit from Commission staff in the form of the regulatory action described in § 140.99. Such benefits may include, for example, relief from some or all of the burdens associated with other collections of information, relief from regulatory obligations that do not constitute collections of information, interpretations, or extensions of time for compliance with certain Commission regulations. It is likely that persons who would opt to request action under § 140.99 will have determined that the information collection burdens that they would assume by doing so will be outweighed substantially by the relief that they seek to receive.

The information collection associated with § 140.99 of the Commission's regulations is necessary, and would be used, to assist Commission staff in understanding the type of relief that is being requested and the basis for the request. It is also necessary, and would be used, to provide staff with a sufficient basis for determining whether: (1) Granting the relief would be necessary or appropriate under the facts and circumstances presented by the requestor; (2) the relief provided should be conditional and/or time-limited; and (3) granting the relief would be consistent with staff responses to requests that have been presented under similar facts and circumstances. In some cases, the requested relief might be granted upon the condition that those who seek the benefits of that relief fulfill certain notice and other reporting obligations that serve as substituted compliance for regulatory requirements that would otherwise be imposed. In some cases, the conditions might include reporting or recordkeeping requirements that are necessary to ensure that the relief granted by Commission staff is appropriate. In some cases, the parties obtaining relief may be subject to reporting and recordkeeping requirements that are necessary to monitor for the parties' compliance with the conditions imposed. The foregoing categories may or may not be overlapping. Once again, it is likely that those who would comply with these conditions will have determined that the burden of complying with the conditions is outweighed by the benefit of the relief that they seek to receive. The information collection associated with § 140.98(b) of the Commission's regulations is necessary to provide a mechanism whereby persons requesting no-action, interpretative and exemption letters may seek temporary confidential treatment of their request and the Commission staff response thereto and the grounds upon which such confidential treatment is sought.

On March 29, 2017, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 82 FR 15514, March 29, 2017 (''60-Day Notice'').

Burden Statement: In order to establish estimates of the annual information collection burden associated with the exemptive, no-action and interpretative letters that may be issued by Commission staff during the three year renewal period, Commission staff reviewed the letters of this type that were issued by Commission staff during 2016. This timeframe was chosen because it was believed that such recent experience would be indicative of both the quantity of requests that Commission staff expects to receive and the quantity of letters that Commission staff expects to issue on an annual basis during the renewal period and the information collection burdens that may be associated with them. In some cases, the relief granted in 2016 is unlikely to be requested again as it has been superseded by a Commission rulemaking. The projected burden estimates for the renewal period were not reduced accordingly in order to account for the possibility that new issues may arise. It is also possible that certain relief granted in 2016 may be superseded by a future Commission rulemaking. As future rulemakings and their effective dates are speculative, the estimates for the renewal period have not been reduced to account for potential rulemakings.

The annual respondent burden for this collection during the renewal period is estimated to be as follows:

[1] 17 CFR 145.9.

[2] 17 CFR 140.99. An archive containing CFTC staff letters may be found at *http://www.cftc.gov/LawRegulation/CFTCStaffLetters/index.htm.*

[3] 17 CFR 140.98(b).

Estimated Number of Respondents: 284.

Estimated Average Annual Burden Hours per Respondent: 9.5.

Estimated Total Annual Burden Hours: 2,704.

Frequency of Collection: Occasional.

Type of Respondents: Respondents include persons registered with the Commission (such as commodity pool operators, commodity trading advisors, derivatives clearing organizations, designated contract markets, futures commission merchants, introducing brokers, swap dealers, and swap execution facilities); persons seeking an exemption from registration; persons whose registration with the Commission is pending; trade associations and their members; eligible contract participants; and other persons seeking relief from discrete regulatory requirements.

There are no capital costs or operating and maintenance costs associated with this collection.

These estimates, as set forth in greater detail below, include the burden hours for complying with the information requirements for exemptive, no-action and interpretative letters contained in § 140.99(c) of the Commission's regulations; effecting the filing of such letters pursuant to § 140.99(d); providing notice to Commission staff of materially changed facts and circumstances pursuant to § 140.99(c)(3)(ii); complying with any conditions and monitoring that may be contained in a grant of no-action or exemptive relief pursuant to § 140.99(e); complying with requirements to make disclosures to third parties; and preparing and submitting withdrawals of requests for exemptive, no-action and interpretative letters, as provided in § 140.99(f). The estimates also include burden hours related to a request for confidential treatment made pursuant to § 140.98(b) of the Commission's regulations.[4]

The burden hours associated with requests for exemptive, no-action and interpretative letters include both the drafting and filing of the request itself as well as performing the underlying factual or legal analysis generally to comply with the information collection. The burden hours associated with individual requests will vary widely, depending upon the type and complexity of relief requested, whether the request presents novel or complex issues, the relevant facts and circumstances, and the number of requestors or other affected entities. The Commission provides estimates of the amount of time that any requestor spends on any particular request as each request is unique, based upon the preceding factors.

	Estimated annual respondents	Estimated annual reports or records per respondent	Total annual responses	Estimated average number of hours per response	Estimated annual burden hours
REPORTING					
§ 140.99(c)—information requirements for letters	78	1	78	24.7	1,930
§ 140.99(d)—filing requirements	78	1	78	1	78
§ 140.99(c)(3)(ii)—materially changed facts and circumstances	5	1	5	3	15
§ 140.99(e)—staff response (conditions imposed)	16	1	16	5	80
§ 140.99(f)—withdrawal of requests	5	1	5	1	5
§ 140.98(b)—requests for confidential treatment	42	1	42	1	42
Total Reporting	224	1	224	9.6	2,150
RECORDKEEPING					
§ 140.99(e)—staff response (conditions imposed)	54	4	216	1	216
Disclosures to Third Parties	6	56.4	338	1	338
Total	284	2.7	778	3.5	2,704

Authority: 44 U.S.C. 3501 *et seq.*

Dated: May 24, 2017.

Robert N. Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2017–11114 Filed 5–30–17; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

United States Air Force Scientific Advisory Board Notice of Meeting

AGENCY: Air Force Scientific Advisory Board, Department of the Air Force, DOD.

ACTION: Meeting notice.

SUMMARY: The United States Air Force Scientific Advisory Board plans to hold its Summer Session Board meeting on June 15, 2017. Portions of this meeting will be open to the public.

DATES: The meeting date is June 15, 2017, from 8:00 a.m. to 4:00 p.m.

ADDRESSES: The Beckman Center of National Academies of Science and Engineering, 100 Academy Drive, Irvine, California 92617.

FOR FURTHER INFORMATION CONTACT: The Scientific Advisory Board meeting organizer, Major Mike Rigoni at *michael.j.rigoni.mil@mail.mil* or (703) 695–4297, United States Air Force Scientific Advisory Board, 1500 West Perimeter Road, Ste. #3300, Joint Base Andrews, MD 20762.

SUPPLEMENTARY INFORMATION: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the Department of Defense announces the United States Air Force (USAF) Scientific Advisory Board (SAB) Summer Board meeting will take place on 15 June 2017 at the Beckman Center of The National Academies of Science and Engineering, located at 100 Academy Drive, Irvine, California 92617. The purpose of this

[4] The Commission now includes the collection of information related to Commission regulation 41.3(b), which involves exemption requests from certain intermediaries, under OMB number 3038–0059 and, as such, is no longer including it in this OMB number.

quarterly board meeting is to formally complete, outbrief, and receive majority approval for the content and recommendations contained in the SAB FY17 SAB studies. The meeting will occur from 8:00 a.m.–4:00 p.m. on Thursday, 15 June 2017. The session that will be open to the *general public* will be held from 8:30 a.m. to 9:30 a.m. on 15 June 2017. In accordance with 5 U.S.C. 552b, as amended, and 41 CFR 102–3.155, a number of sessions of the Air Force Scientific Advisory Board Summer Board meeting will be closed to the general public because they will discuss classified information and matters covered by 5 U.S.C. 552b(c)(1).

Any member of the public that wishes to attend this meeting or provide input to the Air Force Scientific Advisory Board must contact the Scientific Advisory Board meeting organizer at the phone number or email address listed in this announcement at least five working days prior to the meeting date. Please ensure that you submit your written statement in accordance with 41 CFR 102–3.140(c) and 41 CFR 10(a)(3) of the Federal Advisory Committee Act. Statements being submitted in response to the agenda mentioned in this notice must be received by the Scientific Advisory Board meeting organizer at least five calendar days prior to the meeting commencement date. The Scientific Advisory Board meeting organizer will review all timely submissions and respond to them prior to the start of the meeting identified in this notice. Written statements received after this date may not be considered by the Scientific Advisory Board until the next scheduled meeting.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2017–11133 Filed 5–30–17; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Air Force

U.S. Air Force Scientific Advisory Board Notice of Meeting

AGENCY: Department of the Air Force, Air Force Scientific Advisory Board.

ACTION: Meeting withdrawal notice.

SUMMARY: The U.S. Air Force Scientific Advisory Board is withdrawing the **Federal Register** Meeting notice, published on May 12, 2017; 8:45 a.m. [FR Doc. 2017–09775].

DATES: This withdrawal is effective May 17, 2017.

SUPPLEMENTARY INFORMATION: The Department of the Air Force is withdrawing the meeting notice of the Scientific Advisory Board because the published copy was in error (the notice published was a previous withdrawal that included FRO's annotation (''Notice Given as a Reminder''). An amended notice will be processed ASAP and without the reminder notice.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2017–11134 Filed 5–30–17; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0035]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Special Education-Individual Reporting on Regulatory Compliance Related to the Personnel Development Program's Service Obligation and the Government Performance and Results Act (GPRA)

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before June 30, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0035. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 226–62, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Bonnie Jones, 202–245–7395.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Special Education-Individual Reporting on Regulatory Compliance Related to the Personnel Development Program's Service Obligation and the Government Performance and Results Act (GPRA).

OMB Control Number: 1820–0686.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Private Sector; Individuals or Households.

Total Estimated Number of Annual Responses: 34,523.

Total Estimated Number of Annual Burden Hours: 11,313.

Abstract: This data collection serves three purposes for the Office of Special Education Program's Personnel Development Program (PD). First, data from three sources (grantees, scholars, and employers) are necessary to assess the performance of the PDP on its Government Performance Results Act (GPRA) measures. Second, data from all three sources are necessary to determine if scholars comply with the service obligation requirements. And finally, project-specific performance data are collected from PDP grantees for project monitoring and program improvement.

The forms in this package are updates to existing Office of Management and Budget approved forms (1820–0686) which expire on 5/31/2017.

Dated: May 24, 2017.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–11122 Filed 5–30–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC17–5–000]

Commision Information Collection Activities (FERC–588); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission or FERC) issued on March 23, 2017, a 60-day Notice in the **Federal Register** requesting public comments on FERC–588 (Emergency Natural Gas Transportation, Sale and Exchange Transactions). No comments were received.

In compliance with the requirements of the Paperwork Reduction Act of 1995, the Commission is submitting the FERC–588 to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below.

DATES: Comments on the FERC–588, previously published March 23, 2017 at 82 FR 14888 are due by June 30, 2017.

ADDRESSES: Comments filed with OMB, identified by the OMB Control No. 1902–0144 (FERC–588), should be sent via email to the Office of Information and Regulatory Affairs at: *oira_submission@omb.gov,* Attention: Federal Energy Regulatory Commission Desk Officer.

A copy of the comments should also be sent to the Commission, in Docket No. IC17–5–000, by either of the following methods:

- *eFiling at Commission's Web site: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–588, Emergency Natural Gas Transportation, Sale and Exchange Transactions.

OMB Control No.: 1902–0144.

Type of Request: Three-year extension of the FERC–588 information collection requirements with no changes to the reporting requirements.

Abstract: The FERC–588 is used by the Commission to implement the statutory provisions of sections 7(c) of the Natural Gas Act (NGA) (Pub. L. 75–688) (15 U.S.C. 717–717w) and provisions of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301–3432. Under the NGA, a natural gas company must obtain Commission approval to engage in the transportation, sale or exchange of natural gas in interstate commerce. However, section 7(c) exempts from certificate requirements ''temporary acts or operations for which the issuance of a certificate will not be required in the public interest.'' The NGPA also provides for non-certificated interstate transactions involving intrastate pipelines and local distribution companies.

A temporary operation, or emergency, is defined as any situation in which an actual or expected shortage of gas supply would require an interstate pipeline company, intrastate pipeline, or local distribution company, or Hinshaw pipeline to curtail deliveries of gas or provide less than the projected level of service to the customer. The natural gas companies which provide the temporary assistance to the companies which are having the ''emergency'' must file the necessary information described in 18 CFR part 284, subpart I with the Commission, so that it may determine if their assisting transaction/operation qualifies for exemption. The assisting company may or may not be under the Commission's jurisdiction and if their assisting actions qualify for the exemption, they will not become subject to the Commission's jurisdiction for such actions.

A report within forty-eight hours of the commencement of the transportation, sale or exchange, a request to extend the sixty-day term of the emergency transportation, if needed, and a termination report are required. The data required to be filed for the forty-eight hour report is specified by 18 CFR 284.270.

Type of Respondents: Natural Gas Pipelines.

Estimate of Annual Burden: [1] The Commission estimates the Public Reporting Burden for this information collection as:

[1] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 Code of Federal Regulations 1320.3.

[2] The estimates for cost per response are derived using the 2017 FERC average salary plus benefits of $158,754/year (or $76.50/hour). Commission staff finds that the work done for this information collection is typically done by wage categories similar to those at FERC.

FERC–588—EMERGENCY NATURAL GAS TRANSPORTATION, SALE AND EXCHANGE TRANSACTIONS

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response [2]	Total annual burden hours & total annual cost	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Natural Gas Pipelines	10	3	30	10 hrs.; $765.00 ..	300 hrs. $22,950.00.	$2,295.00

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: May 23, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–11201 Filed 5–30–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–121–000.

Applicants: Battery Utility of Ohio, LLC.

Description: Application of Battery Utility of Ohio, LLC for Authorization Under Section 203 of the Federal Power Act and Request for Waivers, Confidential Treatment, Expedited Action, and Shortened Comment Period.

Filed Date: 5/22/17.

Accession Number: 20170522–5189.

Comments Due: 5 p.m. ET 6/12/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–1650–000.

Applicants: ITC Midwest LLC.

Description: § 205(d) Rate Filing: Filing of a Master Joint Use Agreement for Distribution Underbuild to be effective 7/24/2017.

Filed Date: 5/22/17.

Accession Number: 20170522–5141.

Comments Due: 5 p.m. ET 6/12/17.

Docket Numbers: ER17–1651–000.

Applicants: Virginia Electric and Power Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: VEPCO submits revised Interconnection Agreement, Service Agreement No. 3453 to be effective 5/16/2017.

Filed Date: 5/22/17.

Accession Number: 20170522–5162.

Comments Due: 5 p.m. ET 6/12/17.

Docket Numbers: ER17–1652–000.

Applicants: Bayonne Energy Center, LLC.

Description: Petition of Bayonne Energy Center, LLC for Limited Waiver and Request for Commission Action by August 1, 2017.

Filed Date: 5/22/17.

Accession Number: 20170522–5187.

Comments Due: 5 p.m. ET 6/12/17.

Docket Numbers: ER17–1653–000.

Applicants: Duke Energy Progress, LLC.

Description: § 205(d) Rate Filing: DEP–DOM IA RS No. 196 Concurrence to be effective 5/16/2017.

Filed Date: 5/23/17.

Accession Number: 20170523–5004.

Comments Due: 5 p.m. ET 6/13/17.

Docket Numbers: ER17–1654–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–05–23_SA 2904 M3 Solar-Cooperative Energy GIA (J473) to be effective 5/24/2017.

Filed Date: 5/23/17.

Accession Number: 20170523–5010.

Comments Due: 5 p.m. ET 6/13/17.

Docket Numbers: ER17–1656–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–05–23_SA 3017 ATC–DPC Facilities Reimbursement Agreement to be effective 5/24/2017.

Filed Date: 5/23/17.

Accession Number: 20170523–5037.

Comments Due: 5 p.m. ET 6/13/17.

Docket Numbers: ER17–1662–000.

Applicants: Northern States Power Company, a Minnesota corporation, Northern States Power Company, a Wisconsin corporation.

Description: Notice of Cancellation of Marshland Facilities Agreement and Administrative Services Agreement of Northern States Power Company, a Minnesota corporation, *et al.*

Filed Date: 5/23/17.

Accession Number: 20170523–5066.

Comments Due: 5 p.m. ET 6/13/17.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH17–15–000.

Applicants: PGGM Vermogensbeheer B.V.

Description: PGGM Vermogensbeheer B.V. submits FERC 65–B Material Change in Facts of Waiver Notification, *et al.*

Filed Date: 5/22/17.

Accession Number: 20170522–5160.

Comments Due: 5 p.m. ET 6/12/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 23, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–11200 Filed 5–30–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–1666–000]

Red Pine Wind Project, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Red Pine Wind Project, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 13, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 24, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–11193 Filed 5–30–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2242–078]

Eugene Water and Electric Board; Notice Soliciting Revised Comments, Recommendations, Terms and Conditions, and Prescriptions

Take notice that the following hydroelectric application and revised settlement agreement have been filed with the Commission and are available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* Project No. 2242–078.

c. *Date filed:* The license application was filed on November 24, 2006; Exhibits A, C, F, and G were resubmitted on May 12. 2017. A revised settlement agreement was filed on November 30, 2016.

d. *Applicant:* Eugene Water and Electric Board.

e. *Name of Project:* Carmen-Smith Hydroelectric Project.

f. *Location:* On the McKenzie River in Lane and Linn counties, near the town of McKenzie Bridge, Oregon. The project occupies approximately 560 acres of the Willamette National Forest.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Frank Lawson, General Manager, Eugene Water and Electric Board, 500 East 4th Avenue, P.O. Box 10148, Eugene, Oregon 97440–2148; (541) 685–7000.

i. *FERC Contact:* Dianne Rodman (202) 502–6077 or *dianne.rodman@ferc.gov.*

j. *Deadline for filing revised comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file comments, recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2242–078.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. Copies of the application and revised settlement agreement are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the documents. For assistance, contact FERC Online Support. Copies are also available for inspection and reproduction at the address in item h above.

All filings must (1) bear in all capital letters the title COMMENTS, REPLY COMMENTS, RECOMMENDATIONS, TERMS AND CONDITIONS, or RESCRIPTIONS; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via

email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: May 24, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–11195 Filed 5–30–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG17–109–000.

Applicants: Rock Falls Wind Farm LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Rock Falls Wind Farm.

Filed Date: 5/23/17.

Accession Number: 20170523–5091.

Comments Due: 5 p.m. ET 6/13/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–2577–002.

Applicants: Lindahl Wind Project, LLC.

Description: Compliance filing: Lindahl Wind Project, LLC Notice of Non-Material Change in Status to be effective 11/10/2016.

Filed Date: 5/23/17.

Accession Number: 20170523–5192.

Comments Due: 5 p.m. ET 6/13/17.

Docket Numbers: ER17–1042–001.

Applicants: Duke Energy Carolinas, LLC.

Description: Tariff Amendment: DEC-Central Response to Deficiency Letter to be effective 1/1/2016.

Filed Date: 5/24/17.

Accession Number: 20170524–5061.

Comments Due: 5 p.m. ET 6/14/17.

Docket Numbers: ER17–1360–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2017–05–23_SA 2931 ATC–WPL Sub 1st Rev E&P (J390) to be effective 3/30/2017.

Filed Date: 5/23/17.

Accession Number: 20170523–5181.

Comments Due: 5 p.m. ET 6/13/17.

Docket Numbers: ER17–1664–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–05–23_Filing to correct typographical error in ATC Depreciation Rates to be effective 6/1/2017.

Filed Date: 5/23/17.

Accession Number: 20170523–5129.

Comments Due: 5 p.m. ET 6/13/17.

Docket Numbers: ER17–1665–000.

Applicants: Constellation NewEnergy, Inc., Constellation Energy Services of New York.

Description: Tariff Cancellation: Cancellation of MBR Tariff to be effective 5/24/2017.

Filed Date: 5/23/17.

Accession Number: 20170523–5130.

Comments Due: 5 p.m. ET 6/13/17.

Docket Numbers: ER17–1666–000.

Applicants: Red Pine Wind Project, LLC.

Description: Baseline eTariff Filing: Red Pine Wind Project Initial Market-Based Rate Application Filing—Clone to be effective 7/23/2017.

Filed Date: 5/23/17.

Accession Number: 20170523–5145.

Comments Due: 5 p.m. ET 6/13/17.

Docket Numbers: ER17–1667–000.

Applicants: ITC Midwest LLC.

Description: § 205(d) Rate Filing: Cancellation of a Joint Use Agreement with Clarke Electric Cooperative to be effective 7/24/2017.

Filed Date: 5/23/17.

Accession Number: 20170523–5148.

Comments Due: 5 p.m. ET 6/13/17.

Docket Numbers: ER17–1668–000.

Applicants: ISO New England Inc., Central Maine Power Company.

Description: § 205(d) Rate Filing: First Revised LGIA–ISONE/CMP–13–03 and Original LGIA–ISONE/CMP–17–01 to be effective 3/27/2017.

Filed Date: 5/23/17.

Accession Number: 20170523–5161.

Comments Due: 5 p.m. ET 6/13/17.

Docket Numbers: ER17–1669–000.

Applicants: Cleco Power LLC.

Description: § 205(d) Rate Filing: Response to Deficiency Letter—New Rate Schedule 41 to be effective 4/1/2017.

Filed Date: 5/23/17.

Accession Number: 20170523–5168.

Comments Due: 5 p.m. ET 6/13/17.

Docket Numbers: ER17–1670–000.

Applicants: Solea Energy, LLC.

Description: Tariff Cancellation: Cancellation of MBR Tariff to be effective 5/24/2017.

Filed Date: 5/23/17.

Accession Number: 20170523–5180.

Comments Due: 5 p.m. ET 6/13/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 24, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–11192 Filed 5–30–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2056–031]

Northern States Power Company—Minnesota; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Aesthetic Flow Adequacy Plan Amendment.

b. *Project No:* 2056–031.

c. *Date Filed:* March 30, 2017.

d. *Applicant:* Northern States Power Company—Minnesota dba Xcel Energy.

e. *Name of Project:* St. Anthony Falls Hydroelectric Project.

f. *Location:* The project is located on the Mississippi River in Hennepin County, Minnesota.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Matthew Miller, Licensing Specialist, Xcel Energy, 1414 West Hamilton Street, PO Box 8, Eau Claire, WI 54702; phone: (715) 737–1353; or email: *mathew.j.miller@xcelenergy.com.*

i. *FERC Contact:* Dr. Mark Ivy, (202) 502–6156 or *mark.ivy@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* June 22, 2017.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/*

efiling.asp. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2056–031. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The licensee filed the results of a public perception survey report pursuant to article 403 of the March 8, 2004 Order Issuing New License, which required photo documentation of specific flow levels between 100 and 2,000 cubic feet per second (cfs) and periodic filing of minimum flow reports. Due to the results of the public perception survey, Xcel Energy requests Commission approval of an amendment to the aesthetic flow adequacy plan to increase minimum flows from 100 cfs to 300 cfs as a means to enhance aesthetics at the project.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, or MOTION TO INTERVENE as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: May 23, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–11191 Filed 5–30–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC17–7–000]

Commission Information Collection Activities (FERC–725T); Comment Request

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Comment request.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is submitting its information collection [FERC–725T, Mandatory Reliability Standards for the Bulk-Power System: TRE Reliability Standards] to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission previously issued a Notice in the **Federal Register** (82 FR 14215, 3/17/2017) requesting public comments. The Commission received no comments on the FERC–725Tand is making this notation in its submittal to OMB.

DATES: Comments on the collection of information are due by June 30, 2017.

ADDRESSES: Comments filed with OMB, identified by the OMB Control No. 1902–0273 (FERC–725T) should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer. The Desk Officer may also be reached via telephone at 202–395–4718.

A copy of the comments should also be sent to the Commission, in Docket No. IC17–7–000, by either of the following methods:

- *eFiling at Commission's Web site: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* by telephone at (202) 502–8663, and by fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Type of Request: Three-year extension of the information collection

requirements for all collections described below with no changes to the current reporting requirements. Please note that each collection is distinct from the next.

Comments: Comments are invited on: (1) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collections of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collections; and (4) ways to minimize the burden of the collections of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FERC–725T [Mandatory Reliability Standards for the Bulk-Power System: TRE Reliability Standards]

OMB Control No.: 1902–0273.

Abstract: Reliability Standard BAL–001–TRE–01 applies to entities registered as Generator Owners (GOs), Generator Operators (GOPs), and Balancing Authorities (BAs) within the Texas Reliability Entity region.

Regional Reliability Standard BAL–001–TRE–01 is more comprehensive than the existing continent-wide Reliability Standards addressing frequency response, BAL–001–0.1a and BAL–003–0.1b in that the regional standard includes additional requirements and applies to generator owners and generator operators as well as balancing authorities. The expanded applicability of the regional Reliability Standard, thus, increases the reporting burden for entities that operate within the ERCOT [1] Interconnection.

The information collection requirements entail the setting or configuration of the Control System software, identification and recording of events, data retention, and submitting frequency measurable events to the compliance enforcement authority (Regional Entity or NERC).

Submitting frequency measurable events. As per Requirement R1, the BA has to identify and post information regarding Frequency Measurable Events (FME). Further, the BA has to calculate and report to the Compliance Enforcement Authority data related to Primary Frequency Response (PFR) performance of each generating unit/generating facility.

Data retention. The BA, GO, and GOP shall keep data or evidence to show compliance, as identified below, unless directed by its Compliance Enforcement Authority to retain specific evidence for a longer period of time as part of an investigation. Compliance audits are generally about three years apart.

- The BA shall retain a list of identified Frequency Measurable Events and shall retain FME information since its last compliance audit for Requirement R1, Measure M1.
- The BA shall retain all monthly PFR performance reports since its last compliance audit for Requirement R2, Measure M2.
- The BA shall retain all annual Interconnection minimum Frequency Response calculations, and related methodology and criteria documents, relating to time periods since its last compliance audit for Requirement R3, Measure M3.
- The BA shall retain all data and calculations relating to the Interconnection's Frequency Response, and all evidence of actions taken to increase the Interconnection's Frequency Response, since its last compliance audit for Requirements R4 and R5, Measures M4 and M5.
- Each GOP shall retain evidence since its last compliance audit for Requirement R8, Measure M8.
- Each GO shall retain evidence since its last compliance audit for Requirements R6, R7, R9 and R10, Measures M6, M7, M9 and M10.

Modification to Governor Controller Setting/Configuration (to be removed from the FERC–725T information collection). This category of response burden is being removed from FERC–725T. The ''Modification to Governor Controller Setting/Configuration'' category was a one-time requirement related to implementation of the BAL–001–TRE–01 Reliability Standard. Each GO was required to set its governor settings according to Requirement R6. In order to modify its settings, the GO had to generate governor test reports, governor setting sheets, and/or performance monitoring reports. The burden (912 hours) associated with this category was averaged over 2014–2016 [2]. The response requirements included in this category were complete within 18 months of the effective date of the standard [3] or by 10/1/2015. Due to completion, the corresponding 304 annual burden hours are now being removed.

Type of Respondent: NERC Registered entities (specifically balancing authorities, generator owners, generator operators).

Estimate of Annual Burden: [4] The Commission estimates the annual public reporting burden for the information collection as:

FERC–725T (MANDATORY RELIABILITY STANDARDS FOR THE BULK-POWER SYSTEM: TRE RELIABILITY STANDARDS)

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden and cost per response [5] (4)	Total annual burden hours and total annual cost (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1)
Maintenance and Submission of Event Log Data.	[6] 1	1	1	16 hrs.; $1,029	16 hrs.; $1,029	$1,029
Evidence Retention	[7] 130	1	130	2 hrs.; $76 [8]	260 hrs.; $9,815 ..	$76
Total	.....	.....	131	.....	276 hrs.; $10,844	.....

[1] Electric Reliability Council of Texas.

[2] The total annual figure for this response category was 304 hours.

[3] The effective date of the standard was 4/1/2014.

[4] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

[5] The estimates for cost per hour are based on 2015 wage figures and derived as follows:

- $64.29/hour, the average salary plus benefits per engineer (from Bureau of Labor Statistics at *https://www.bls.gov/oes/current/naics2_22.htm).*
- $37.75/hour, the salary plus benefits per information and record clerks (from Bureau of Labor Statistics at *https://www.bls.gov/oes/current/naics2_22.htm).*

All calculated wage figures within the burden table are rounded to the nearest dollar.

[6] BA (balancing authority)

[7] BA (balancing authority), GO (generator owner), and GOP (generator operator)

[8] Rounded from $75.50.

Dated: May 24, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–11194 Filed 5–30–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–1461–001.
Applicants: Duke Energy Carolinas, LLC.
Description: Tariff Amendment: DEC-Greenwood Response to Deficiency Letter to be effective 7/1/2017.
Filed Date: 5/24/17.
Accession Number: 20170524–5136.
Comments Due: 5 p.m. ET 6/14/17.

Docket Numbers: ER17–1462–001.
Applicants: Duke Energy Carolinas, LLC.
Description: Tariff Amendment: DEC-Concord Response to Deficiency Letter to be effective 7/1/2017.
Filed Date: 5/24/17.
Accession Number: 20170524–5121.
Comments Due: 5 p.m. ET 6/14/17.

Docket Numbers: ER17–1474–001.
Applicants: Duke Energy Carolinas, LLC.
Description: Tariff Amendment: DEC-Kings Mountain Response to Deficiency Letter to be effective 7/1/2017.
Filed Date: 5/24/17.
Accession Number: 20170524–5140.
Comments Due: 5 p.m. ET 6/14/17.

Docket Numbers: ER17–1486–001.
Applicants: Duke Energy Carolinas, LLC.
Description: Tariff Amendment: DEC-Forest City Response to Deficiency Letter to be effective 7/1/2017.
Filed Date: 5/24/17.
Accession Number: 20170524–5132.
Comments Due: 5 p.m. ET 6/14/17.

Docket Numbers: ER17–1492–001.
Applicants: Duke Energy Carolinas, LLC.
Description: Tariff Amendment: DEC-Dallas Response to Deficiency Letter to be effective 7/1/2017.
Filed Date: 5/24/17.
Accession Number: 20170524–5124.
Comments Due: 5 p.m. ET 6/14/17.

Docket Numbers: ER17–1520–001.
Applicants: Duke Energy Carolinas, LLC.
Description: Tariff Amendment: DEC-Lockhart Response to Deficiency Letter to be effective 1/1/2016.
Filed Date: 5/24/17.
Accession Number: 20170524–5142.
Comments Due: 5 p.m. ET 6/14/17.

Docket Numbers: ER17–1576–001.
Applicants: Duke Energy Carolinas, LLC.
Description: Tariff Amendment: DEC-Western Carolina Response to Deficiency Letter to be effective 7/1/2017.
Filed Date: 5/24/17.
Accession Number: 20170524–5149.
Comments Due: 5 p.m. ET 6/14/17.

Docket Numbers: ER17–1582–001.
Applicants: Duke Energy Carolinas, LLC.
Description: Tariff Amendment: DEC-Highlands Response to Deficiency Letter to be effective 7/1/2017.
Filed Date: 5/24/17.
Accession Number: 20170524–5138.
Comments Due: 5 p.m. ET 6/14/17.

Docket Numbers: ER17–1611–001.
Applicants: Duke Energy Carolinas, LLC.
Description: Tariff Amendment: DEC-Prosperity Response to Deficiency Letter to be effective 7/1/2017.
Filed Date: 5/24/17.
Accession Number: 20170524–5147.
Comments Due: 5 p.m. ET 6/14/17.

Docket Numbers: ER17–1614–001.
Applicants: Duke Energy Carolinas, LLC.
Description: Tariff Amendment: DEC-Due West Response to Deficiency Letter to be effective 1/1/2016.
Filed Date: 5/24/17.
Accession Number: 20170524–5128.
Comments Due: 5 p.m. ET 6/14/17.

Docket Numbers: ER17–1671–000.
Applicants: Gulf Coast Solar Center II, LLC.
Description: Baseline eTariff Filing: Application for Market Based Rate to be effective 5/31/2017.
Filed Date: 5/24/17.
Accession Number: 20170524–5092.
Comments Due: 5 p.m. ET 6/14/17.

Docket Numbers: ER17–1672–000.
Applicants: Gulf Coast Solar Center III, LLC.
Description: Baseline eTariff Filing: Application for Market Based Rate to be effective 5/31/2017.
Filed Date: 5/24/17.
Accession Number: 20170524–5098.
Comments Due: 5 p.m. ET 6/14/17.

Docket Numbers: ER17–1674–000.
Applicants: ITC Midwest LLC.
Description: § 205(d) Rate Filing: Filing of an Amended and Restated Interconnection Agreement to be effective 7/24/2017.
Filed Date: 5/24/17.
Accession Number: 20170524–5165.
Comments Due: 5 p.m. ET 6/14/17.

Docket Numbers: ER17–1675–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–05–24_SA 2856 MidAmerican-MidAmerican 2nd Revised GIA (J411) to be effective 5/25/2017.
Filed Date: 5/24/17.
Accession Number: 20170524–5166.
Comments Due: 5 p.m. ET 6/14/17.

Docket Numbers: ER17–1676–000.
Applicants: ITC Midwest LLC.
Description: § 205(d) Rate Filing: Filing of a Master Joint Use Agreement for Distribution Underbuild to be effective 7/24/2017.
Filed Date: 5/24/17.
Accession Number: 20170524–5169.
Comments Due: 5 p.m. ET 6/14/17.

Docket Numbers: ER17–1677–000.
Applicants: ITC Midwest LLC.
Description: § 205(d) Rate Filing: Cancellation of Joint Use Agreements with Consumers Energy Cooperative to be effective 7/24/2017.
Filed Date: 5/24/17.
Accession Number: 20170524–5170.
Comments Due: 5 p.m. ET 6/14/17.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES17–18–000.
Applicants: Consumers Energy Company.
Description: Amendment to April 27, 2017 Application for Authorization to Issue Securities of Consumers Energy Company.
Filed Date: 5/24/17.
Accession Number: 20170524–5159.
Comments Due: 5 p.m. ET 6/5/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 24, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–11196 Filed 5–30–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RD16–9–000]

Commission Information Collection Activities (FERC–725v); Comment Request; Revision

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of revised information collection and request for comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission or FERC) on December 1, 2016 issued a 60-day Notice in the **Federal Register** requesting public comments on FERC–725V (Mandatory Reliability Standards: COM Reliability Standards) which will be submitted to the Office of Management and Budget (OMB) for a review of the information collection requirements. The Commission received no comments on the FERC–725V and is making this notation in its submittal to OMB.

In compliance with the requirements of the Paperwork Reduction Act of 1995, the Commission is submitting the FERC–725V to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below.

DATES: Comments on the FERC–725V are due by June 30, 2017.

ADDRESSES: Comments filed with OMB, identified by the OMB Control No. 1902–0277 (FERC–725V), should be sent via email to the Office of Information and Regulatory Affairs at: *oira_submission@omb.gov,* Attention: Federal Energy Regulatory Commission Desk Officer.

A copy of the comments should also be sent to the Commission, in Docket No. RD16–9–000, by either of the following methods:

- *eFiling at Commission's Web site: http://www.ferc.gov/docs-filing/efiling.asp*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–725V, Mandatory Reliability Standards: COM Reliability Standards.

OMB Control No.: 1902–0277.

Type of Request: Extension of the FERC–725V information collection requirements.

Abstract: On August 15, 2016, the North American Electric Reliability Corporation (NERC) filed a petition for Commission approval, pursuant to section 215(d)(1) of the Federal Power Act (''FPA'') [1] and Section 39.5 [2] of the Federal Energy Regulatory Commission's regulations, for approval of proposed Reliability Standard COM–001–3 (Communications), the associated Implementation Plan, retirement of currently-effective Reliability Standard COM–001–2.1, and Violation Risk Factors (''VRFs'') and Violation Severity Levels (''VSLs'') associated with new Requirements R12 and R13 proposed in Reliability Standard COM–001–3. Proposed Reliability Standard COM–001–3 reflects revisions developed under Project 2015–07 Internal Communications Capabilities, in compliance with the Commission's directive in Order No. 888 that NERC ''develop modifications to COM–001–2, or develop a new standard, to address [the Commission's] concerns regarding ensuring the adequacy of internal communications capability whenever internal communications could directly affect the reliability operations of the Bulk-Power System.

On October 28, 2016, NERC's uncontested petition was approved pursuant to the relevant authority delegated to the Director, Office of Electric Reliability under 18 CFR 375.303(2016), effective as of July 1, 2016.[3]

Type of Respondents: Public utilities.

Estimate of Annual Burden [4]*:* With respect to the proposed revisions to Reliability Standard COM–001–3 and the retirement of the currently-effective Reliability Standard COM–001–2.1, the Commission estimates that there will be no material change in industry information collection obligations because the Requirements R12 and R13 (which are additions to COM–001–3) do not impact the paperwork burden of impacted registered entities.

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: May 24, 2017 .

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–11198 Filed 5–30–17; 8:45 am]

BILLING CODE 6717–01–P

[1] 16 U.S.C. 824o (2012).

[2] 18 CFR 39.5 (2011).

[3] *https://elibrary-backup.ferc.gov/IDMWS/common/opennat.asp?fileID=14386228*

[4] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 Code of Federal Regulations 1320.3.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD17–11–000]

State Policies and Wholesale Markets Operated by ISO New England Inc., New York Independent System Operator, Inc., and PJM Interconnection, L.L.C.; Notice Inviting Post-Technical Conference Comments

On May 1 and May 2, 2017, Federal Energy Regulatory Commission (Commission) staff convened a technical conference to discuss the interplay between state policy goals and the wholesale markets [1] operated by ISO New England Inc., New York Independent System Operator, Inc., and PJM Interconnection, L.L.C. (Eastern RTOs/ISOs).

All interested persons are invited to file initial and reply post-technical conference comments on the topics discussed during the technical

[1] Unless otherwise indicated, all references herein to wholesale markets refer to the capacity, energy, and ancillary services markets.

conference, including the questions listed in the Supplemental Notice issued in this proceeding on April 28, 2017.

In order to provide structure to the technical conference discussion, staff identified the following potential paths forward with respect to the interplay between state policy goals and the wholesale markets:

- *Path 1—Limited or No Minimum Offer Price Rule:* An approach that would either not apply the minimum offer price rule to state-supported resources, or limit application of the minimum offer price rule to only state-supported resources where federal law preempts the state action providing that support.
- *Path 2—Accommodation of State Actions:* An approach that would accommodate state policies that provide out-of-market support with the operation of the wholesale markets by allowing state-supported resources to participate in those markets and, when relevant, obtain capacity supply obligations, subject to adjustments necessary to maintain certain wholesale market prices consistent with the market results that would have been produced had those resources not been state-supported.
- *Path 3—Status Quo:* An approach that would rely on existing tariff provisions applying the minimum offer price rule to some state-supported resources, and continuing case-by-case litigation over the specific line to be drawn between categories of state actions that may, or may not, result in a state-supported resource being subject to the minimum offer price rule.
- *Path 4—Pricing State Policy Choices:* An approach in which state policies, to the extent possible, would value the attributes (*e.g.,* resilience) or externalities (*e.g.,* carbon emissions) that states are targeting in a manner that can be readily integrated into the wholesale markets in a resource-neutral way. For those state policies that cannot be readily valued and integrated into the wholesale markets, Path 4 would also require consideration of what, if anything, the Commission should do to address the market impacts of these state policies. For instance, other approaches for these state policies may include accommodation, application of the minimum offer price rule, or an exemption from the minimum offer price rule.
- *Path 5—Expanded Minimum Offer Price Rule:* An approach that would minimize the impact of state-supported resources on wholesale market prices by expanding the existing scope of the minimum offer price rule to apply to both new and existing capacity resources that participate in the capacity market and receive state support.

Commenters are invited to address these paths, to describe alternative potential paths forward in the wholesale markets, or to describe individual solutions. Commenters are encouraged to discuss the following with regard to any approach: (1) Any centralized wholesale market changes (at a conceptual level) that would need to accompany implementation of a particular approach; (2) the feasibility of implementation; (3) the implications for market participants' ability to make long-term decisions; and (4) the near-term and long-term sustainability.

In addition, Commission staff is interested in comments on the following topics:

1. The principles and objectives that should guide the selection of a path forward, as well as the principles and objectives that should guide rule changes that would be required by their suggested approach.

2. The degree of urgency for reconciling wholesale markets and state policies and if that urgency necessitates both a near-term (*e.g.,* next one to three years) approach and a different long-term approach. To the extent commenters advocate for different near-term and long-term solutions, please explain what type of transition is needed and why, and how the suggested near-term approach will facilitate achievement of the suggested long-term approach.

3. Long-term expectations regarding the relative roles of wholesale energy and capacity markets and state policies in the Eastern RTOs/ISOs in shaping the quantity and composition of resources needed to cost-effectively meet future reliability and operational needs.

4. What procedural steps the Commission should take, if any, to reconcile the competitive market framework with the increasing interest by states to support particular resources and resource attributes that might facilitate such reconciliation.

Commenters may reference material previously filed in this docket, including the technical conference transcript, but are encouraged to avoid repetition or replication of previous material. Initial and reply comments must be submitted on or before 30 days and 45 days, respectively, from the date of this notice. Initial comments should not exceed 15 pages and reply comments should not exceed 10 pages.

For further information please contact individuals identified for each topic:

Technical Information: Amr Ibrahim, Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6746, *amr.ibrahim@ferc.gov.*

Legal Information: Gretchen Kershaw, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8213, *gretchen.kershaw@ferc.gov.*

Dated: May 23, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–11199 Filed 5–30–17; 8:45 am]

BILLING CODE 6717–01–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice: 2017–6002]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

By neutralizing the effect of export credit support offered by foreign governments and by absorbing credit risks that the private sector will not accept, Ex-Im Bank enables U.S. exporters to compete fairly in foreign markets on the basis of price and product. Under the Working Capital Guarantee Program, Ex-Im Bank provides repayment guarantees to lenders on secured, short-term working capital loans made to qualified exporters. The guarantee may be approved for a single loan or a revolving line of credit. In the event that a borrower defaults on a transaction guaranteed by Ex-Im Bank the guaranteed lender may seek payment by the submission of a claim.

This collection of information is necessary to determine if such claim complies with the terms and conditions of the relevant working capital guarantee. The Notice of Claim and Proof of Loss, Working Capital Guarantee is used to determine compliance with the terms of the guarantee and the appropriateness of paying a claim. Export-Import Bank

customers are able to submit this form on paper or electronically.

The information collection tool can be reviewed at: *http://www.exim.gov/pub/pending/eib10-04.pdf.*

DATES: Comments must be received on or before July 31, 2017 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *WWW.REGULATIONS.GOV* or by mail to Mardel West, Export-Import Bank of the United States, 811 Vermont Ave. NW., Washington, DC 20571

SUPPLEMENTARY INFORMATION:

Title and Form Number: EIB 10–04 Notice of Claim and Proof of Loss, Working Capital Guarantee.

OMB Number: 3048–0035.

Type of Review: Regular.

Need and Use: This collection of information is necessary, pursuant to 12 U.S.C. 635(a)(1), to determine if such claim complies with the terms and conditions of the relevant guarantee.

Affected Public

This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 17.

Estimated Time per Respondent: 1 hour.

Annual Burden Hours: 17 hours.

Frequency of Reporting of Use: As needed to request a claim payment.

Government Expenses

Reviewing time per year: 17 hours.

Average Wages per Hour: $42.50.

Average Cost per Year: $722.50. (time*wages)

Benefits and Overhead: 20%.

Total Government Cost: $867.

Bassam Doughman,

Project Manager, Agency Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2017–11183 Filed 5–30–17; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK

[Public Notice: 2017–6003]

Agency Information Collection Activities: Comment Request; EIB 11–01, Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Export-Import Bank of the U.S.

ACTION: Submission for OMB review and comments request.

SUMMARY: The proposed clearance is designed to allow Ex-Im Bank to survey for the purpose of gaining insights into customers' experiences with the agency and to evaluate product and performance effectiveness. Customers' responses will help to identify potential areas of service improvement and rate overall program experiences.

DATES: Comments should be received on or before July 31, 2017, to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *http://www.regulations.gov* or by mail to Mardel West, Export-Import Bank of the United States, 811 Vermont Ave. NW., Washington, DC 20571.

SUPPLEMENTARY INFORMATION:

Title: EIB 11–01, Generic Clearance for the Collection of Feedback on Electronic Interfaces with Customers.

OMB Number: 3048–0036.

Type of Review: Renew.

Need and Use: Improving agency programs requires ongoing assessment of service delivery, by which we mean systematic review of the operation of a program compared to a set of explicit or implicit standards, as a means of contributing to the continuous improvement of the program. The Agency will collect, analyze, and interpret information gathered through this generic clearance to identify strengths and weaknesses of current services and make improvements in service delivery based on feedback. The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery.

Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency (if released, procedures outlined in Item 16 wil be followed);
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; [1]
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study;
- Response to the collections is voluntary;
- The collections present low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the corresponding program or may have experience with the program in the near future; and
- With the exception of information needed to provide renumeration for participants of focus groups and cognitive laboratory studies, personally identifiable information (PII) is collected only to the extent necessary and is not retained.

If these conditions are not met, the Agency will submit an information collection request to OMB for approval through the normal PRA process.

To obtain approval for a collection that meets the conditions of this generic clearance, a standardized form will be submitted to OMB along with supporting documentation (*e.g.,* a copy of the comment card). The submission will have automatic approval, unless OMB identifies issues within 5 business days.

The types of collections that this generic clearance covers include, but are not limited to:

- Customer comment cards/ complaint forms
- Small discussion groups
- Focus Groups of customers, potential customers, delivery partners, or other stakeholders
- Cognitive laboratory studies, such as those used to refine questions or assess usability of a Web site;
- Qualitative customer satisfaction surveys (*e.g.,* post-transaction surveys; opt-out web surveys)
- In-person observation testing (*e.g.,* Web site or software usability tests)

The Agency has established a manager/managing entity to serve for this generic clearance and will conduct an independent review of each information collection to ensure compliance with the terms of this clearance prior to submitting each collection to OMB.

[1] As defined in OMB and agency Information Quality Guidelines, ''influential'' means that ''an agency can reasonably determine that dissemination of the information will have or does have a clear and substantial impact on important public policies or important private sector decisions.''

Affected Public

Individuals representing companies engaged in business with the Export-Import Bank of the U.S.

Burden Hours

Annual Number of Respondents: 3200.

Estimated Time per Respondent: 45 minutes.

Annual Public Burden Hours: 2400 hours.

Frequency of Reporting of Use: On occasion.

Government Expense

Reviewing Time per Year: 1600 Hours.
Average Wages per Hour: $42.50.
Average Cost per Year: $68,000.
Benefits and Overhead: 20%.
Total Government Cost: $81,600.

Bassam Doughman,

Project Manager, Agency Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2017–11182 Filed 5–30–17; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection Renewals; Comment Request (3064–0015)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, 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 the renewal of existing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the FDIC is soliciting comment on renewal of the information collection described below.

DATES: Comments must be submitted on or before July 31, 2017.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202–898–3767). Counsel, MB 3007, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Manny Cabeza at (202) 898–3767 or at the FDIC address noted above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collections of information:

1. *Title:* Interagency Bank Merger Act Application.

OMB Number: 3064–0015.

Form Number: None.

Affected Public: Individuals or households; business or other for profit.

Estimated Number of Respondents: 241.

Frequency of Response: On occasion.

Estimated Average Burden Hours per Response: 23.5 hours.

Estimated Total Annual Burden: 5,664 hours.

General Description of the Collection: The Interagency Bank Merger Act Application form is used by the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, and the Comptroller of the Currency for applications under section 18(c) of the Federal Deposit Insurance Act (FDIA), as amended (12 U.S.C. 1828(c)). The application is used for a merger, consolidation, or other combining transaction between nonaffiliated parties as well as to effect a corporate reorganization between affiliated parties (affiliate transaction). There is a different level of burden for each of the two types of merger transactions, nonaffiliated and affiliated. An affiliate transaction refers to a merger, consolidation, other combination, or transfer of any deposit liabilities, between depository institutions that are controlled by the same holding company. It includes a business combination between a depository institution and an affiliated interim institution. Applicants proposing affiliate transactions are not required to complete questions 12 through 14 of this form. If depository institutions are not controlled by the same holding company, the merger transaction is considered nonaffiliated, and the applicant must complete the entire form. There is no change in the method or substance of the collection. The estimated annual burden remains the same.

Request for Comment

Comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 24th day of May 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–11121 Filed 5–30–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 15, 2017.

A. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101

Market Street, San Francisco, California 94105–1579:

1. *Wells Fargo & Company, San Francisco, California;* to acquire certain subsidiaries from its bank Wells Fargo Bank, N.A., Sioux Falls, South Dakota, and thereby indirectly engage in investment advisory activities, pursuant to section 225.28(b)(6)(i) of Regulation Y.

Board of Governors of the Federal Reserve System, May 25, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–11208 Filed 5–30–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

[OMB No. 7100–0306]

Proposed Agency Information Collection Activities; Comment Request; Notification of Nonfinancial Data Processing Activities

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Notification of Nonfinancial Data Processing Activities.

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

DATES: Comments must be submitted on or before July 31, 2017.

ADDRESSES: You may submit comments, identified by FR 4021, by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street (between 18th and 19th Streets NW.) Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Federal Reserve should modify the proposed revisions prior to giving final approval.

Proposal to approve under OMB delegated authority the extension for three years, without revision, of the following report:

Report title: Notification of Nonfinancial Data Processing Activities.

Agency form number: FR 4021.

OMB control number: 7100–0306.

Frequency: On occasion.

Respondents: Bank holding companies.

Estimated number of respondents: 2.

Estimated average hours per response: 2.

Estimated annual burden hours: 4.

General Description of Report: Bank holding companies (BHCs) submit the FR 4021 notification to request permission to administer the 49 percent revenue limit on nonfinancial data processing activities on a business-line or multiple-entity basis. These notifications, which may be submitted in letter form, should describe the structure of the requesting BHC's data processing operations, the methodology the BHC proposes to use to administer the 49 percent revenue test, and the reasons why the BHC believes that the proposed methodology is appropriate. The Board will consider any request in light of all the facts and circumstances, including the interrelationships between the data processing activities conducted by the BHC's separate subsidiaries, the holding company's business or operational reasons for conducting its data processing activities in different subsidiaries, and the level of the BHC's ownership interest in the individual subsidiaries.

Legal authorization and confidentiality: The Board's Legal Division has determined that 12 U.S.C. 1843(c)(8)(j) and (k) authorize the Board to collect this information. A bank holding company may request confidential treatment of the

information contained in the notice pursuant to exemption 4 of the Freedom of Information Act (5 U.S.C. 552(b)(4)).

Board of Governors of the Federal Reserve System, May 24, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017–11136 Filed 5–30–17; 8:45 am]

BILLING CODE 6210–01–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 June 19, 2017.

A. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Mark Edward Davis, Saint Peter, Minnesota, Stanley M. Davis Revocable Trust, Stanley Martin Davis, Trustee, Plymouth, Minnesota, Martin Edward Davis, Excelsior, Minnesota, Mark Mitchell, Davis, Excelsior, Minnesota;* as a group acting in concert; to acquire the voting shares of Bancommunity Services Corporation, Saint Peter, Minnesota, and thereby indirectly acquire voting shares of First National Bank Minnesota, Saint Peter, Minnesota

Board of Governors of the Federal Reserve System, May 25, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–11209 Filed 5–30–17; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–17–0260; Docket No. CDC–2017–0050]

Proposed Data Collections Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed revision of the information collection project titled ''Health Hazard Evaluation and Technical Assistance—Requests and Emerging Problems.'' This data collection supports legislatively mandated (PL 91–596) assistance investigating emerging occupational hazards in workplaces.

DATES: Written comments must be received on or before July 31, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0050 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

Please note: All public comment should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Health Hazard Evaluation and Technical Assistance—Requests and Emerging Problems (OMB Control No.

0920–0260, Expiration 11/30/2017)—Revision—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In accordance with its mandates under the Occupational Safety and Health Act of 1970 and the Federal Mine Safety and Health Act of 1977, the National Institute for Occupational Safety and Health (NIOSH) responds to requests for health hazard evaluations (HHE) to identify chemical, biological or physical hazards in workplaces throughout the United States. Each year, NIOSH receives approximately 290 such requests. Most HHE requests come from the following types of companies: service, manufacturing, health and social services, transportation, agriculture, mining, skilled trade and construction. NIOSH is requesting a three year approval time.

A printed Health Hazard Evaluation request form is available in English and in Spanish. The form is also available on the Internet and differs from the printed version only in format and in the fact that it can be submitted directly from the Web site. The request form takes an estimated 12 minutes to complete. The form provides the mechanism for employees, employers, and other authorized representatives to supply the information required by the regulations governing the NIOSH Health Hazard Evaluation program (42 CFR 85.3–1). If employees are submitting the form it must contain the signatures of three or more current employees. However, regulations allow a single signature if the requestor: is one of three (3) or fewer employees in the process, operation, or job of concern; or is any officer of a labor union representing the employees for collective bargaining purposes. An individual management official may request an evaluation on behalf of the employer. The information provided is used by NIOSH to determine whether there is reasonable cause to justify conducting an investigation and provides a mechanism to respond to the requestor.

NIOSH reviews the HHE request to determine if an on-site evaluation is needed. The primary purpose of an on-site evaluation is to help employers and employees identify and eliminate occupational health hazards. For 40% of the requests received NIOSH determines an on-site evaluation is needed. When an on-site evaluation is not done, NIOSH prepares and provides a written report after gathering information from the requester(s) and reviewing available exposure and health records.

In about 70% of on-site evaluations (presently estimated to be 122 facilities a year) employees are interviewed individually to learn about health problems and possible contributing factors at work. Interviews may take approximately 15 minutes per respondent. The interview questions are specific to each workplace and its suspected diseases and hazards. However, interviews are based on standard medical practices.

In approximately 30% of on-site evaluations that involve employee interviews (presently estimated to be 37 out of 122 facilities a year), questionnaires are distributed to the employees (averaging about 100 employees per site). Questionnaires may require approximately 30 minutes to complete. The survey questions are specific to each workplace and its suspected diseases and hazards, however, items in the questionnaires are derived from standardized or widely used medical and epidemiologic data collection instruments.

About 70% of the on-site evaluations involve employee exposure monitoring in the workplace. Employees who agree to participate wear a sampler or monitoring device to measure personal workplace exposures. They are offered the opportunity to get a written notice of their exposure results. To indicate their preference, employees complete a contact card. Completing a contact card may take 5 minutes or less. The number of employees monitored for workplace exposures per on-site evaluation may vary from none up to about 25. In some instances, however, the number can be much greater.

NIOSH distributes interim and final reports of health hazard evaluations, excluding personal identifiers, to: Requesters, employers, employee representatives; the Department of Labor (Occupational Safety and Health Administration or Mine Safety and Health Administration, as appropriate); state health departments; and, as needed, other state and federal agencies.

NIOSH administers a follow-back program to assess the effectiveness of its HHE program in reducing workplace hazards. NIOSH distributes follow-back questionnaires to the primary employer and employee representative at all the workplaces where NIOSH conducted an on-site evaluation. In a small number of instances, a follow-back on-site evaluation may be completed. The first follow-back questionnaire is distributed shortly after the first visit for an on-site evaluation and takes about 10 minutes to complete. A second follow-back questionnaire is distributed a month after the final report and requires about 20 minutes to complete. At 24 months, a third follow-back questionnaire is distributed which takes about 15 minutes to complete.

For requests where NIOSH does not conduct an on-site evaluation, the requestor receives the first follow-back questionnaire 1 month after our report and a second one 12 months after our response. The first questionnaire takes about 10 minutes to complete and the second questionnaire takes about 15 minutes to complete.

Because of the number of investigations conducted each year, the need to respond quickly to requests for assistance, the diverse and unpredictable nature of these investigations, and its follow-back program to assess evaluation effectiveness; NIOSH requests a consolidated clearance for data collections performed within the domain of its HHE program. There is no cost to respondents other than their time. The total estimated annual burden hours is 2,960.

ESTIMATE OF ANNUALIZED BURDEN HOURS

Type of respondent	Form	Number of respondents	Number of responses per respondent	Average burden per response in hours	Total burden hours
Employees and Representatives	Health Hazard Evaluation Request Form.	203	1	12/60	41
Employers	Health Hazard Evaluation Request Form.	87	1	12/60	18
Employees	Health Hazard Evaluation specific interview example.	2,580	1	15/60	645

ESTIMATE OF ANNUALIZED BURDEN HOURS—Continued

Type of respondent	Form	Number of respondents	Number of responses per respondent	Average burden per response in hours	Total burden hours
Employees	Health Hazard Evaluation specific questionnaire example.	3,700	1	30/60	1,850
Employees	Contact information post card	2,150	1	5/60	180
Employees and Representatives; Employers—Year 1 (on-site evaluation).	First followback questionnaire	244	1	10/60	41
	Second followback questionnaire	244	1	20/60	82
Employees and Representatives; Employers—Year 2 (on-site evaluation).	Third followback questionnaire	244	1	15/60	61
Employees and Representatives; Employers—Year 1 (without on-site evaluation).	First followback questionnaire	98	1	10/60	17
Employees and Representatives; Employers—Year 2 (without on-site evaluation).	Second followback questionnaire	98	1	15/60	25
Total					2,960

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–11111 Filed 5–30–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–17–1036; Docket No. CDC–2017–0051]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on ''Community Assessment for Public Health Emergency Response (CASPER).'' CASPER is an effective public health tool designed to quickly provide low-cost, household-based information about a community's needs and health status in a simple, easy-to-understand format for decision makers.

DATES: Written comments must be received on or before July 31, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0051 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

Please note: All public comment should be submitted through the Federal eRulemaking portal (Regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing

and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Community Assessment for Public Health Emergency Response (CASPER) (OMB Control Number 0920–1036, Expiration 12/31/2017)—Revision—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Center for Environmental Health (NCEH) is requesting a revision of a currently approved generic clearance information collection request (GenICR) to allow the Center to conduct Community Assessments for Public Health Emergency Response (CASPERs), through methods developed by NCEH. CASPER is an effective public health tool designed to quickly provide low-cost, household-based information about a community's needs and health status in a simple, easy-to-understand format for decision makers. A CASPER can be conducted any time the public health needs of a community are not well known, including as part of disaster/emergency response to help inform decision making and distribution of resources, or in non-emergency settings to assess the public health needs of a community. In all situations, CASPERs provide timely public health information that is essential when engaging in sound public health action.

For a CASPER to be initiated by CDC, a state, local, tribal, or territorial jurisdiction must first invite CDC to participate. Communities are identified by local, state, or regional emergency managers and health department officers. The process for conducting a CASPER includes planning and preparation, field work, analysis, and sharing results with stakeholders. Planning can take 24 hours to several months depending on the type of CASPER being conducted. Field work takes approximately five days. Due to emergency situations under which CASPERs are often requested by states (*e.g.,* hurricane response, oil spill, flood, drought), it is important that CDC has the ability to gain urgent approval for data collection.

The CASPER uses a validated statistical methodology that includes a two-stage probability sampling technique to collect information from a representative sample of 210 households in the community. Within the community, 30 clusters (typically census blocks) are selected based on probability proportional to size (*i.e.,* the number of households) and, within each cluster, seven households are randomly selected for interview.

Participation in a CASPER is voluntary. Consenting participants are not provided incentives for participating in the survey. Face-to-face interviews, usually taking 30 minutes or less, with one adult (≥18 years of age) from a selected household are recorded on paper or in electronic form. In general, yes/no and multiple choice questions are used to collect household level information including, but not limited to, the following categories: Housing unit type and extent of damage to the dwelling, household needs, physical and behavioral health status, perception and response to public health communications, household emergency preparedness, and greatest reported need. While a majority of CASPERs collect only household-level information, there may be instances where the questionnaires are modified to collect a small amount of individual level data.

Participants give verbal consent. Additionally, no data are collected that could link specific questionnaires to house addresses. Separate from the questionnaire, a tracking form is used to record the number of households visited, record households that should be revisited because a respondent was unavailable for interview, and calculate response rates upon completion of the CASPER. Complete addresses, including house number, street name, city, state, and zip code, are never recorded on any form. This information is not retained by CDC or entered into any database. There is no way to link data from the tracking form to specific household questionnaires.

Though each CASPER will be different, in general, personally identifying information is not collected. In a minimal number of CASPERs, interview teams may come across households with urgent needs that present an immediate threat to life or health, where calling emergency services immediately is not appropriate. In these instances, the team may refer the household to appropriate services using a referral form that is not attached to the questionnaire. In the few instances where these forms are utilized, personally identifying information is collected. However, the forms go directly from the field team to the local CASPER coordinator for handling and rapid follow-up. When referral forms are used, the information is never retained by CDC or entered into any database. There is no way to link specific questionnaires to any information on the referral form.

Since receiving initial approval for this GenICR, CDC has conducted two CASPERs. These CASPERs were in support of the 2016 California Drought in Mariposa County and the West Virginia Flooding of 2016. The 2016 California Drought CASPER was a successful collaboration between the California Department of Public Health, the Mariposa County Health Department, and CDC which helped characterize the impacts of drought in Mariposa County as well as actions households have taken. These results were useful in allocating resources for response to the drought and in strengthening the emergency preparedness capacity of Mariposa County. The 2016 West Virginia Flood CASPER assessed household disaster preparedness, access to health care, health impacts due to flood damage, health information sources, and stage of disaster recovery. Approval of this revision of the GenICR will allow CDC to continue to provide low-cost, household-based information about a community's needs and health status in a simple, easy-to-understand format for decision makers.

The estimated annualized burden is 631 hours. The estimated burden is based on conducting 6 emergency CASPERs per year, interviewing 210 households per CASPER, conducting 30-minute interviews per household, and completing 24 referral forms per year. There is no cost to respondents other than their time.

Estimated Annualized Burden Hours

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Households in the selected geographic area to be assessed.	CASPER Questionnaire	1,260	1	30/60	630
	Referral Form	24	1	2/60	1
Total					631

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–11112 Filed 5–30–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-17–17AGP; Docket No. CDC–2017–0049]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection entitled ''Monitoring and Reporting for the Core State Violence and Injury Prevention (Core SVIPP) Program Cooperative Enhanced Component—Regional Network Coordinating Organization (RNCO)'' CDC will use the collection to collect information needed for programmatic activities of the Regional Network Coordinating Organization (RNCO) enhanced component funded under the Core State Violence and Injury Prevention Program (Core SVIPP) cooperative agreement (CDC–RFA–CE16–1602).

DATES: Written comments must be received on or before July 31, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0049 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

Please note: All public comment should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Monitoring and Reporting for the Core State Violence and Injury Prevention (Core SVIPP) Program Cooperative Enhanced Component—Regional Network Coordinating Organization (RNCO)—New—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC intends to request a three-year OMB approval for this new collection. CDC's National Center for Injury Prevention and Control (NCIPC) is committed to working with its partners to promote action that reduces injuries, violence, and disabilities, by providing leadership in identifying priorities, promoting prevention strategies, developing useful tools, and monitoring the effectiveness of Injury and Violence Prevention (IVP) program activities.

Unintentional and violence-related injuries and their consequences are the

leading causes of death for the first four decades of life, regardless of gender, race, or socioeconomic status. More than 192,000 individuals in the United States die each year as a result of unintentional injuries and violence, and more than 31 million others suffer non-fatal injuries requiring emergency department visits each year.

This collection is to collect information needed for programmatic activities of the Regional Network Coordinating Organization (RNCO) enhanced component funded under the Core State Violence and Injury Prevention Program (Core SVIPP) cooperative agreement (CDC–RFA–CE16–1602) Member entities (state health departments at their partners) of the RNCO awardees will respond to a membership survey annually. Member entities of the RNCO awardees will also participate in annual focus groups to inform and contribute to National Peer Learning Teams (NPLT). No research design or human subjects are involved.

The data will be analyzed using descriptive and summary statistics as well as qualitative summaries. Information to be collected will provide crucial data for program planning and continuous quality improvement of program. The data will also provide CDC with the capacity to respond in a timely manner to requests for information about the program from the Department of Health and Human Services (HHS), the White House, Congress, and other sources. The only cost to respondents will be time spent responding to the survey.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Instrument name	Number of respondents	Number of responses per respondent	Average burden per response (hours)	Total burden (hours)
RNCO Member Survey	Annual RNCO and NPLT Survey	250	1	3	750
RNCO NLPT Focus Group Protocol	Annual NPLT Member Focus Group Protocol.	125	1	1.5	188
Total					938

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science,Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–11110 Filed 5–30–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects:

Title: Child and Family Services Plan (CFSP), Annual Progress and Services Review (APSR), and Annual Budget Expenses Request and Estimated Expenditures (CFS–101).

OMB No.: 0970–0426.

Description: Under title IV–B, subparts 1 and 2, of the Social Security Act (the Act), States, Territories, and Tribes are required to submit a Child and Family Services Plan (CFSP). The CFSP lays the groundwork for a system of coordinated, integrated, and culturally relevant family services for the subsequent five years (45 CFR 1357.15(a)(1)). The CFSP outlines initiatives and activities the State, Tribe or territory will carry out in administering programs and services to promote the safety, permanency, and well-being of children and families, including, as applicable, those activities conducted under the John H. Chafee Foster Care Independence Program (Section 477 of the Act) and the State grant authorized by the Child Abuse Prevention and Treatment Act. By June 30 of each year, States, Territories, and Tribes are also required to submit an Annual Progress and Services Report (APSR) and a financial report called the CFS–101. The APSR is a yearly report that discusses progress made by a State, Territory or Tribe in accomplishing the goals and objectives cited in its CFSP (45 CFR 1357.16(a)). The APSR contains new and updated information about service needs and organizational capacities throughout the five-year plan period. The CFS–101 has three parts. Part I is an annual budget request for the upcoming fiscal year. Part II includes a summary of planned expenditures by program area for the upcoming fiscal year, the estimated number of individuals or families to be served, and the geographical service area. Part III includes actual expenditures by program area, numbers of families and individuals served by program area, and the geographic areas served for the last complete fiscal year.

Respondents: States, Territories, and Tribes must complete the CFSP, APSR, and CFS–101. Tribes and territories are exempted from the monthly caseworker visits reporting requirement of the CFSP/APSR. There are approximately 189 Tribal entities that currently receive IV–B funding. There are 53 States (including Puerto Rico, the District of Columbia, and the Virgin Islands) that must complete the CFSP, APSR, and CFS–101. There are a total of 242 possible respondents.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
APSR	242	1	80	19,360
CFSP	242	1	120.25	29,100.50
CFS–101, Parts I, II, and III	242	1	5	1,210
Caseworker Visits	53	1	99.33	5,264.49

Estimated Total Annual Burden Hours: 54,934.99.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20202; Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden information to be 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 within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2017–11234 Filed 5–30–17; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0623]

Agency Information Collection Activities; Proposed Collection; Comment Request; Voluntary Cosmetic Registration Program

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (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 in response to the notice. This notice invites comments on the collection of information associated with our Voluntary Cosmetic Registration Program (VCRP).

DATES: Submit either electronic or written comments on the collection of information by July 31, 2017.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before July 31, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of July 31, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

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–2010–N–0623 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Voluntary Cosmetic Registration Program.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov/* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

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

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov/* and insert the docket number, found in brackets in the

heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Ila Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (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, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA'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 respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Voluntary Cosmetic Registration Program—21 CFR Parts 710 and 720 OMB Control Number 0910–0027—Extension

The Federal Food, Drug, and Cosmetic Act (the FD&C Act) provides us with the authority to regulate cosmetic products in the United States. Cosmetic products that are adulterated under section 601 of the FD&C Act (21 U.S.C. 361) or misbranded under section 602 of the FD&C Act (21 U.S.C. 362) may not be distributed in interstate commerce. We have developed the VCRP to assist us in carrying out our responsibility to regulate cosmetics.

FDA is revising forms for the VCRP (Forms FDA 2511, 2512, 2512a, and 2514) currently approved under OMB control number 0910–0027, ''Voluntary Cosmetic Registration Program,'' for the following reasons: (1) Modernizing the forms; (2) decreasing burden to filers who complete the forms; and (3) reducing the time it will take FDA to review each submission. In addition, Form FDA 2514 will be eliminated as it duplicates information that is currently located on Form FDA 2512. FDA requests PRA approval for the proposed changes to these forms, and for the elimination of Form FDA 2514.

Participation in the VCRP is voluntary under provisions found in sections parts 710 and 720 (21 CFR parts 710 and 720). Participants have the option of submitting information via paper forms or via the online interface. The term ''form'' refers to both the paper form and the online system.

Currently, in part 710, we request that establishments that manufacture or package cosmetic products voluntarily register with us using Form FDA 2511 entitled ''Registration of Cosmetic Product Establishment.'' The term ''Form FDA 2511'' refers to both the paper and online versions of the form. The online version of Form FDA 2511 is available on our VCRP Web site at *https://www.fda.gov/Cosmetics/RegistrationProgram/default.htm.* We strongly encourage online registration of Form FDA 2511 because it is faster and more efficient for the filer and the Agency. A registering facility will receive confirmation of online registration, including a registration number by email. The online system also allows for amendments to past submissions.

Because registration of cosmetic product establishments is not mandatory, voluntary registration provides FDA with the best information available about the locations, business trade names, and types of activity (manufacturing or packaging) of cosmetic product establishments. We place the registration information in a computer database and use the information to generate mailing lists for distributing regulatory information and for inviting firms to participate in workshops on topics in which they may be interested. Registration is permanent, although we request that respondents submit an amended Form FDA 2511 if any of the originally submitted information changes.

Currently, under part 720, FDA requests firms that manufacture, pack, or distribute cosmetics to file with the Agency an ingredient statement for each of their products. Filing of cosmetic product ingredient statements is voluntary. Ingredient statements for new submissions are reported on Form FDA 2512, ''Cosmetic Product Ingredient Statement,'' and on Form FDA 2512a, a continuation form. Amendments to product formulations also are reported on Forms FDA 2512 and FDA 2512a. When a firm discontinues the commercial distribution of a cosmetic, FDA requests that the firm file Form FDA 2514, ''Notice of Discontinuance of Commercial Distribution of Cosmetic Product Formulation''; however, filers may also notify FDA that they have discontinued a cosmetic product formulation by submitting an amended Form FDA 2512, which would obviate the need for Form FDA 2514. If any of the information submitted on these forms is confidential, the firm may submit a request for confidentiality of a cosmetic ingredient.

FDA's proposed changes to the forms through the use of an electronic submission system have been designed to make it easier for participants to provide information to FDA about their products. They also assist participants, through interactive question and response scenarios, to identify submissions that will be ineligible to be accepted in VCRP because they do not meet parts 710 and 720 requirements. The electronic submission system is expected to reduce burden currently associated with the manual identification process for filers and FDA. The rejection rate for ineligible submissions when using the current forms is high: 51 percent for new accounts, 43 percent for Form FDA 2511 registrations, and 7 percent for Form FDA 2512 filings (2010–2016).

The revised forms include the addition of links between Forms FDA 2511 and 2512, clarification of what information should be entered onto the forms, additional self-identifying fields, removal of certain duplicative fields, and the deletion of Form FDA 2514. These changes are needed because both VCRP voluntary filer participation and FDA resources required to administer VCRP have increased significantly since 2014 (*i.e.,* increases in new accounts (156 percent), Form FDA 2511 registrations (405 percent), Form FDA 2512 filings (67 percent), and FDA review hours (59 percent) in 2016.)

FDA's current process confirms that each submission meets the requirements established in parts 710 and 720 through the use of a manual process for

both filers and FDA reviewers that can result in a long waiting period where filers must wait and respond to questions generated by FDA, which may result in a high rejection rate. FDA projects a significant reduction in rejection rates when using the revised forms. Examples of possible burden savings for participants and FDA include:

(1) Form FDA 2511 asks filers if they are a manufacturer or packer; however, distributors and retailers have checked these boxes in error when neither applies to them because there are no distributor or retailer checkboxes on Form FDA 2511. Retailers have also filed Form FDA 2512 in error even though only manufacturers, packers, and distributors are permitted to do so. To correct these issues, FDA revised Form FDA 2511 by updating the field that allows filers to indicate the ''TYPE OF ESTABLISHMENT: MANUFACTURER/PACKER/OTHER (Distributor or Retailer)'' and updating the field on Form FDA 2512 allowing the filer to indicate ''WHO IS FILING THIS STATEMENT: MANUFACTURER/PACKER/DISTRIBUTOR/OTHER (Retailer).''

(2) FDA revised Form FDA 2511 and added questions asking, ''Are you the owner or operator of this facility?'' and ''Is the address on this form the location of a cosmetic manufacturing and/or packing facility?''

(3) FDA also revised Form FDA 2512 and added questions asking, ''Is this product currently commercially distributed (annual sales exceed $1,000) in the United States?'', ''PRODUCT WEBSITE'', and ''Attach images of the front and back product labels to this form'' to ensure that only cosmetics in commercial distribution in the United States are filed in the VCRP.

(4) FDA linked Forms FDA 2511 and 2512 to reduce burden to filers who create multiple copies of Form FDA 2512 that share the same establishment addresses.

(5) FDA clarified the information that should be included on the forms by attaching simplified instructions and a link to VCRP online on Forms FDA 2511, 2512, and 2512a and adding titles and locations of various fields throughout Forms FDA 2511, 2512, and 2512a. We also added self-identifying fields such as phone number, email, and alternative authorized individual to Form FDA 2511 and 2512 to facilitate communication with the filers.

(6) We also removed fields that have no modern use or request redundant information in multiple locations.

(7) We removed Form FDA 2514 in its entirety due to redundancy. (As noted, filers may notify FDA that they are discontinuing a cosmetic product formulation on Form FDA 2512).

FDA's online filing system is available on FDA's VCRP Web site at *https://www.fda.gov/Cosmetics/RegistrationProgram/default.htm.* The online filing system contains the online versions of Forms FDA 2511, 2512, and 2512a.

We place cosmetic product filing information in a computer database and use the information when FDA receives inquiries about cosmetics marketed in the United States. Because filing of cosmetic product formulations is not mandatory, voluntary filings with FDA provide us with the best information available about cosmetic products, ingredients, frequency of use, businesses engaged in the manufacture and distribution of cosmetics, and approximate rates of product discontinuance and formula modifications. The information assists our scientists in evaluating reports of adverse events submitted via MedWatch and Field Operators (FACTS). We also use the information in identifying future research projects, to evaluate the levels and safety of certain ingredients in cosmetics.

Links to explanations of the revisions to Forms FDA 2511, 2512, and 2512a and instructions are available at *https://www.fda.gov/Cosmetics/RegistrationProgram/default.htm* and entitled ''Voluntary Cosmetic Registration Program.''

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section or Part	Form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Part 710 (registrations)	FDA 2511 [2]	934	1	934	0.20 (12 minutes)	187
720.1 through 720.4 (new submissions)	FDA 2512 [3]	7,108	1	7,108	0.33 (20 minutes)	2,346
720.6 (amendments)	FDA 2512	4,049	1	4,049	0.17 (10 minutes)	688
720.6 (notices of discontinuance)	FDA 2512	95	1	95	0.10 (6 minutes)	10
720.8 (requests for confidentiality)		1	1	1	2	2
Total						3,233

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

[2] The term ''Form FDA 2511'' refers to both the paper Form FDA 2511 and online Form FDA 2511 in the online system known as the VCRP, which is available at *https://www.fda.gov/Cosmetics/RegistrationProgram/default.htm.*

[3] The term ''Form FDA 2512'' refers to the paper Forms FDA 2512, and 2512a and online Form FDA 2512 in the online system known as the VCRP, which is available at *https://www.fda.gov/Cosmetics/RegistrationProgram/default.htm.*

We base our estimate of the total annual responses on paper and online submissions received during calendar year 2016. We base our estimate of the hours per response upon information from cosmetic industry personnel and FDA experience entering data submitted on paper Forms FDA 2511, 2512, and 2512a into the online system.

We estimate that, annually, 934 establishments that manufacture or package cosmetic products will each submit 1 registration on Form FDA 2511, for a total of 934 annual responses. Each submission is estimated to take 0.20 hour per response for a total of 186.8 hours, rounded to 187. The number of Form FDA 2511 submissions has increased 405 percent compared to 2014 and we have no indication that this submission rate will stop increasing. We estimate that, annually, firms that manufacture, pack, or distribute cosmetics will file 7,108 ingredient statements for new or amended submissions on Forms FDA 2512 and FDA 2512a. Each submission is estimated to take 0.33 hour per response for a total of 2345.64 hours, rounded to 2,346. We estimate the number of Form FDA 2512 submissions to increase 67 percent compared to 2014 and we have no indication that this submission rate will stop increasing. We estimate that, annually, firms that manufacture, pack, or distribute cosmetics will file 4,049 amendments to

product formulations on Forms FDA 2512 and FDA 2512a. Each submission is estimated to take 0.17 hour per response for a total of 688.33 hours, rounded to 688. We estimate that, annually, firms that manufacture, pack, or distribute cosmetics will file 95 notices of discontinuance on Form FDA 2512. Each submission is estimated to take 0.10 hour per response for a total of 9.5 hours, rounded to 10. We estimate that, annually, one firm will file one request for confidentiality. Each such request is estimated to take 2 hours to prepare for a total of 2 hours. Thus, the total estimated hour burden for this information collection is 3,233 hours.

Dated: May 25, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–11188 Filed 5–30–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: HRSA is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the program), as required by the Public Health Service (PHS) Act, as amended. While the Secretary of HHS is named as the respondent in all proceedings brought by the filing of petitions for compensation under the program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the program in general, contact the Acting Clerk of the Court, Lisa L. Reyes, United States Court of Federal Claims, 717 Madison Place NW., Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 08N146B, Rockville, MD 20857; (301) 443–6593, or visit our Web site at: *http://www.hrsa.gov/vaccinecompensation/index.html.*

SUPPLEMENTARY INFORMATION: The program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.,* provides that those seeking compensation are to file a petition with the U.S. Court of Federal Claims and to serve a copy of the petition on the Secretary of HHS, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at 42 CFR 100.3. This Table lists for each covered childhood vaccine the conditions that may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that ''[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.'' Set forth below is a list of petitions received by HRSA on April 1, 2017, through April 30, 2017. This list provides the name of the petitioner, city and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of the petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master ''shall afford all interested persons an opportunity to submit relevant, written information'' relating to the following:

1. The existence of evidence ''that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,'' and

2. Any allegation in a petition that the petitioner either:

a. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by'' one of the vaccines referred to in the Table, or

b. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine'' referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of Injury Compensation Programs, Healthcare Systems Bureau, 5600 Fishers Lane, 08N146B, Rockville, MD 20857. The Court's caption (*Petitioner's Name* v. *Secretary of HHS*) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the program.

Dated: May 19, 2017.

George Sigounas,

Administrator.

List of Petitions Filed

1. Anissa E. Rogers on behalf of L. C., Fullerton, California, Court of Federal Claims No: 17–0470V.
2. John Solak, Binghamton, New York, Court of Federal Claims No: 17–0472V.
3. Dolores Justice, Pittsburgh, Pennsylvania, Court of Federal Claims No: 17–0476V.
4. Ruben Abeyta, Flagstaff, Arizona, Court of Federal Claims No: 17–0477V.
5. Hillary Adams, Phoenix, Arizona, Court of Federal Claims No: 17–0478V.
6. Emma Sullivan, Phoenix, Arizona, Court of Federal Claims No: 17–0480V.
7. Joanne Gurney, Fall River, Massachusetts, Court of Federal Claims No: 17–0481V.
8. Daniel Jenson, Hillsboro, North Dakota, Court of Federal Claims No: 17–0482V.

9. Bruce Johnson, Jacksonville, Florida, Court of Federal Claims No: 17–0484V.
10. Brooke Lee Guelker, Dallas, Texas, Court of Federal Claims No: 17–0485V.
11. Barbara Perkins, Garden City, Kansas, Court of Federal Claims No: 17–0487V.
12. Sonja Pearson, Hinsdale, Illinois, Court of Federal Claims No: 17–0489V.
13. Yildiz Kochman, Moscow, Idaho, Court of Federal Claims No: 17–0491V.
14. Suzanne E. McAndrews and Timothy R. McAndrews on behalf of P. C. M., New York, New York, Court of Federal Claims No: 17–0494V.
15. Yvonne Diaz, Waterbury, Connecticut, Court of Federal Claims No: 17–0496V.
16. Blanche Berkowitz, Prescott, Arizona, Court of Federal Claims No: 17–0500V.
17. Sandra Bravo and Frank Bravo on behalf of B. V. B., Highland Park, California, Court of Federal Claims No: 17–0501V.
18. Allyson L. Parziale, Waltham, Massachusetts, Court of Federal Claims No: 17–0503V.
19. Eric Lee, White City, Oregon, Court of Federal Claims No: 17–0504V.
20. Carl Forgey, Marshfield, Missouri, Court of Federal Claims No: 17–0505V.
21. Jodi Gitautis, Boston, Massachusetts, Court of Federal Claims No: 17–0506V.
22. Cynthia Lowery Grady, Sylva, North Carolina, Court of Federal Claims No: 17–0509V.
23. Mary Ludwig, Aberdeen, South Dakota, Court of Federal Claims No: 17–0510V.
24. Katherine Berry, San Antonio, Texas, Court of Federal Claims No: 17–0511V.
25. Lyllian Acevedo, Milwaukee, Wisconsin, Court of Federal Claims No: 17–0512V.
26. Marlie Barlow, Hemet, California, Court of Federal Claims No: 17–0513V.
27. Julia Carson, San Diego, California, Court of Federal Claims No: 17–0514V.
28. Gregory Bradley, Plymouth, New Hampshire, Court of Federal Claims No: 17–0515V.
29. Sonya Ball, Washington, District of Columbia, Court of Federal Claims No: 17–0516V.
30. Donna Moore, New Orleans, Louisiana, Court of Federal Claims No: 17–0518V.
31. Deborah Whitt, Rochester, New York, Court of Federal Claims No: 17–0519V.
32. Erica Linegar, Branson West, Missouri, Court of Federal Claims No: 17–0521V.
33. William Willingham, Tallahassee, Florida, Court of Federal Claims No: 17–0522V.
34. Kathleen Amato, Washington, District of Columbia, Court of Federal Claims No: 17–0523V.
35. Kendall Vuong on behalf of K. A., Roseville, California, Court of Federal Claims No: 17–0525V.
36. Tari Hafner, Fulton, New York, Court of Federal Claims No: 17–0526V.
37. Heather L. Foster, Round Rock, Texas, Court of Federal Claims No: 17–0527V.
38. Jamie Choi, La Habra, California, Court of Federal Claims No: 17–0529V.
39. Shaureya Brunson on behalf of T. A., Deceased, Cincinnati, Ohio, Court of Federal Claims No: 17–0530V.
40. Tara Elvira on behalf of D. E., La Cañada, California, Court of Federal Claims No: 17–0531V.
41. Kay Pate, Cincinnati, Ohio, Court of Federal Claims No: 17–0533V.
42. Michael Hall, Tiffin, Ohio, Court of Federal Claims No: 17–0536V.
43. Shannon Jackson, Bartlett, Tennessee, Court of Federal Claims No: 17–0538V.
44. Loretta Shirley, Chicago, Illinois, Court of Federal Claims No: 17–0539V.
45. Maria America and Rui America on behalf of A. A., Vienna, Virginia, Court of Federal Claims No: 17–0542V.
46. Natasha Itchkavich, Wolfeboro, New Hampshire, Court of Federal Claims No: 17–0544V.
47. Sky Sorensen, Madras, Oregon, Court of Federal Claims No: 17–0546V.
48. Kary Valentine on behalf of M. L. V., Mars, Pennsylvania, Court of Federal Claims No: 17–0547V.
49. Bala Muccala, Phoenix, Arizona, Court of Federal Claims No: 17–0548V.
50. Pedro Morillo, Pleasanton, Kansas, Court of Federal Claims No: 17–0550V.
51. Kim Saffran, Durham, North Carolina, Court of Federal Claims No: 17–0551V.
52. Christopher T. Wynn, Summerville, South Carolina, Court of Federal Claims No: 17–0554V.
53. Lorin T. Pruett, Fairfax, Virginia, Court of Federal Claims No: 17–0561V.
54. Deborah Knight, Milton, Florida, Court of Federal Claims No: 17–0562V.
55. Diana Wahl, Peachtree City, Georgia, Court of Federal Claims No: 17–0563V.
56. Suzanne Demitor, Walla Walla, Washington, Court of Federal Claims No: 17–0564V.
57. Daniele Tucker, Phoenix, Arizona, Court of Federal Claims No: 17–0566V.
58. Margaret E. Spencer, Seattle, Washington, Court of Federal Claims No: 17–0567V.
59. Beverly Rand, Boston, Massachusetts, Court of Federal Claims No: 17–0568V
60. Ivory Odom, St. Louis, Missouri, Court of Federal Claims No: 17–0569V.
61. Gina Cegielski, Washington, District of Columbia, Court of Federal Claims No: 17–0570V.
62. Penny Nicol Kurth, Washington, District of Columbia, Court of Federal Claims No: 17–0571V.
63. Roger Green on behalf of Estate of Linda Mae Green, Deceased, Chicago, Illinois, Court of Federal Claims No: 17–0573V.
64. Paul Derber and Catherine Derber on behalf of D. D., Seattle, Washington, Court of Federal Claims No: 17–0574V.
65. Jennifer Duft, Beverly Hills, California, Court of Federal Claims No: 17–0575V.
66. Laura Shanahan, Beverly Hills, California, Court of Federal Claims No: 17–0576V.
67. Leora LaClair-Montague, Dresher, Pennsylvania, Court of Federal Claims No: 17–0577V.

[FR Doc. 2017–11185 Filed 5–30–17; 8:45 am]
BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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 Mental Health Special Emphasis Panel; Fellowships and Dissertation Grants.

Date: June 19, 2017.

Time: 11:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Marcy Ellen Burstein, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6143, MSC 9606, Bethesda, MD 20892–9606, 301–443–9699, *bursteinme@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Data Archives for the BRAIN Initiative (R24) and Standards to Define Experiments Related to the BRAIN Initiative (R24).

Date: June 19, 2017.

Time: 12:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Vinod Charles, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6151, MSC 9606, Bethesda, MD 20892–9606, 301–443–1606, *charlesvi@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; BRAIN Initiative: Kirschstein NRSA Individual Postdoctoral Fellowship (F32).

Date: June 29, 2017.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Rebecca Steiner Garcia, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6149, MSC 9608, Bethesda, MD 20892–9608, 301–443–4525, *steinerr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants; 93.281)

Dated: May 25, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–11238 Filed 5–30–17; 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 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 Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI T32 Institutional Training Grants.

Date: June 23, 2017.

Time: 10:00 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Giuseppe Pintucci, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892, 301–827–7696, *Pintuccig@nhlbi.nih.gov.*

(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: May 24, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–11237 Filed 5–30–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel Contract Review.

Date: June 29, 2017.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, One Democracy Plaza, Room 206, 6701 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Victor Henriquez, Ph.D., Scientific Review Officer, Office of Scientific Director, National Center for Advancing Translational Sciences (NCATS), National Institutes of Health, 6701 Democracy Blvd., Democracy 1, Room 1080, Bethesda, MD 20892–4878, 301–451–2405, *henriquv@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: May 24, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–11235 Filed 5–30–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Innovative Technologies for Cancer-Relevant Biospecimen Science.

Date: July 12, 2017.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W114, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Jeffrey E. DeClue, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W114, Bethesda, MD 20892–9750, 240–276–6371, *decluej@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Core Infrastructure and Methodological Research for Cancer Epidemiology Cohorts.

Date: July 20, 2017.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W032, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Jeffrey E. DeClue, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W114, Bethesda, MD 20892–9750, 240–276–6371, *decluej@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: May 25, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–11236 Filed 5–30–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1722]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: May 16, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Arizona:						
Maricopa	City of Goodyear (16–09–3153P).	The Honorable Georgia Lord, Mayor, City of Goodyear, 190 North Litchfield Road, Goodyear, AZ 85338.	Engineering Department, 14455 West Van Buren Street, Suite D–101, Goodyear, AZ 85338.	*http://www.msc.fema.gov/lomc.*	Aug. 4, 2017	040046
Maricopa	City of Goodyear (17–09–0108P).	The Honorable Georgia Lord, Mayor, City of Goodyear, 190 North Litchfield Road, Goodyear, AZ 85338.	Engineering Department, 14455 West Van Buren Street, Suite D–101, Goodyear, AZ 85338.	*http://www.msc.fema.gov/lomc.*	Aug. 18, 2017	040046
Maricopa	Town of Gilbert (17–09–0192P).	The Honorable Jenn Daniels, Mayor, Town of Gilbert, 50 East Civic Center Drive, Gilbert, AZ 85296.	Town Hall, 90 East Civic Center Drive, Gilbert, AZ 85296.	*http://www.msc.fema.gov/lomc.*	Aug. 4, 2017	040044
Maricopa	Unincorporated Areas of Maricopa County (16–09–2930P).	The Honorable Denny Barney, Chairman, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	*http://www.msc.fema.gov/lomc.*	Aug. 11, 2017	040037
Maricopa	Unincorporated Areas of Maricopa County (17–09–0108P).	The Honorable Denny Barney, Chairman, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	*http://www.msc.fema.gov/lomc.*	Aug. 18, 2017	040046
Maricopa	Unincorporated Areas of Maricopa County (17–09–0192P).	The Honorable Denny Barney, Chairman, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	*http://www.msc.fema.gov/lomc.*	Aug. 4, 2017	040037
California:						
Los Angeles ...	Unincorporated Areas of Los Angeles County (16–09–2361P).	The Honorable Mark Ridley-Thomas, Chairman, Board of Supervisors, Los Angeles County, Kenneth Hahn Hall of Administration, 500 West Temple Street, Room 358, Los Angeles, CA 90012.	County of Los Angeles, Department of Public Works, Annex Building, 900 South Fremont Avenue, 3rd Floor, Alhambra, CA 91803.	*http://www.msc.fema.gov/lomc.*	Aug. 21, 2017	065043
Ventura	Unincorporated Areas of Ventura County (16–09–2752P).	The Honorable Linda Parks, Chair, Board of Supervisors, Ventura County, 625 West Hillcrest Drive, L#5650, Thousand Oaks, CA 91360.	Ventura County Hall of Administration, 800 South Victoria Avenue, Ventura, CA 93009.	*http://www.msc.fema.gov/lomc.*	Aug. 4, 2017	060413
Hawaii:						
Hawaii	Hawaii County (17–09–0654P).	The Honorable Harry Kim, Mayor, County of Hawaii, 25 Aupuni Street, Hilo, HI 96720.	Department of Public Works, 101 Pauahi Street, Suite 7, Hilo, HI 96720.	*http://www.msc.fema.gov/lomc.*	Aug. 15, 2017	155166
Indiana:						
LaPorte	City of Michigan City (16–05–4995P).	The Honorable Ron Meer, Mayor, City of Michigan City, City Hall, 100 East Michigan Boulevard, Michigan City, IN 46360.	Planning and Redevelopment Department, Michigan City, City Hall, 100 East Michigan Boulevard, Michigan City, IN 46360.	*http://www.msc.fema.gov/lomc.*	Aug. 4, 2017	180147
Iowa:						
Floyd	City of Charles City (17–07–0802P).	The Honorable Jim E. Erb, Mayor, City of Charles City, 105 Milwaukee Mall, Charles City, IA 50616.	City Hall, 105 Milwaukee Mall, Charles City, IA 50616.	*http://www.msc.fema.gov/lomc.*	Aug. 14, 2017	190128
Michigan:						
Macomb	City of Fraser (16–05–5239P).	The Honorable Joe Nichols, Mayor, City of Fraser, 33000 Garfield Road, Fraser, MI 48026.	City Hall, 33000 Garfield Road, Fraser, MI 48026.	*http://www.msc.fema.gov/lomc.*	Aug. 10, 2017	260122
Minnesota:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Roseau	City of Roseau (17–05–1873P).	The Honorable Jeff Pelowski, Mayor, City of Roseau, City Center, 121 Center Street East, Suite 202, Roseau, MN 56751.	City Center, 121 Center Street East, Suite 202, Roseau, MN 56751.	*http://www.msc.fema.gov/lomc.*	Jul. 31, 2017	270414
Roseau	Unincorporated Areas of Roseau County (17–05–1873P).	The Honorable Mark Foldesi, Chairman, Roseau County Board of Commissioners, 606 5th Avenue Southwest, Room #131, Roseau, MN 56751.	Roseau County Courthouse, 606 5th Avenue Southwest, Room #130, Roseau, MN 56751.	*http://www.msc.fema.gov/lomc.*	Jul. 31, 2017	270633
Nevada:						
Clark	City of Henderson (16–09–2952P).	The Honorable Andy A. Hafen, Mayor, City of Henderson, City Hall, 240 South Water Street, Henderson, NV 89015.	Public Works Department, 240 South Water Street, Henderson, NV 89015.	*http://www.msc.fema.gov/lomc.*	Aug. 10, 2017	320005
Clark	Unincorporated Areas of Clark County (16–09–2952P).	The Honorable Steve Sisolak, Chairman, Board of Supervisors, Clark County, 500 South Grand Central Parkway, 6th Floor, Las Vegas, NV 89106.	Office of the Director of Public Works, 500 South Grand Central Parkway, Las Vegas, NV 89155.	*http://www.msc.fema.gov/lomc.*	Aug. 10, 2017	320003
New York:						
Rockland	Town of Clarkstown (16–02–1162P).	Mr. George Hoehmann, Supervisor, Town of Clarkstown, 10 Maple Avenue, New City, NY 10956.	Town Hall, 10 Maple Avenue, New City, NY 10956.	*http://www.msc.fema.gov/lomc.*	Sep. 15, 2017	360679
Rockland	Village of Spring Valley (16–02–1162P).	The Honorable Demeza Delhomme, Mayor, Village of Spring Valley, 200 North Main Street, Spring Valley, NY 10977.	Building Department, 200 North Main Street, Spring Valley, NY 10977.	*http://www.msc.fema.gov/lomc.*	Sep. 15, 2017	365344
Ohio:						
Cuyahoga	City of Strongsville (16–05–5799P).	The Honorable Thomas P. Perciak, Mayor, City of Strongsville, 16099 Foltz Parkway, Strongsville, OH 44149.	City Hall, 16099 Foltz Parkway, Strongsville, OH 44149.	*http://www.msc.fema.gov/lomc.*	Aug. 2, 2017	390132
Lorain	Unincorporated Areas of Lorain County (16–05–5799P).	The Honorable Matt Lundy, President, Lorain County Board of Commissioners, 226 Middle Avenue, Elyria, OH 44035.	Lorain County Administration Building, 226 Middle Avenue, Elyria, OH 44035.	*http://www.msc.fema.gov/lomc.*	Aug. 2, 2017	390346

[FR Doc. 2017–11220 Filed 5–30–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4308–DR; Docket ID FEMA–2017–0001]

California; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of California (FEMA–4308–DR), dated April 1, 2017, and related determinations.

DATES: Effective Date: May 18, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of California is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of April 1, 2017.

Mono County and the Tule River Tribe located within Tulare County for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–11217 Filed 5–30–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

Agency Information Collection Activities: Extension, Without Changes, of an Existing Information Collection; Comment Request; OMB Control No. 1653–0043.

AGENCY: U.S. Immigration and Customs Enforcement, Department of Homeland Security.

ACTION: 30-Day notice of information collection for review.

The Department of Homeland Security, U.S. Immigration and Customs Enforcement (USICE) is submitting the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995: Forms No. 10–002; Electronic Funds Transfer Waiver Request; OMB Control No. 1653–0043. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. This information collection was previously published in the **Federal Register** on March 24, 2017, Vol. 82 No. 15063 allowing for a 60 day comment period. USICE did not receive a comment in connection with the 60-day notice. The purpose of this notice is to allow an additional 30 days for public comments.

Written comments and suggestions regarding items contained in this notice and especially with regard to the estimated public burden and associated response time should be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for U.S. Immigration and Customs Enforcement, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, without changes, of a currently approved information collection.

(2) *Title of the Form/Collection:* Electronic Funds Transfer Waiver Request.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* ICE Form 10–002; U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal Government. Section 404(b) of the Immigration and Nationality Act (8 U.S.C. 1101 note) provides for the reimbursement to States and localities for assistance provided in meeting an immigration emergency. This collection of information allows for State or local governments to request reimbursement.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 650 responses at 30 minutes (.50 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 350 annual burden hours.

Dated: May 24, 2017.

Scott Elmore,

PRA Clearance Officer, Office of the Chief Information Officer, U.S. Immigration and Customs Enforcement, Department of Homeland Security.

[FR Doc. 2017–11164 Filed 5–30–17; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0120]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection; Free Training for Civics and Citizenship of Adults, Form G–1190; Civics and Citizenship Toolkit, Form G–1515

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until July 31, 2017.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0120 in the body of the letter, the agency name and Docket ID USCIS–2011–0001. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *http://www.regulations.gov* under e-Docket ID number USCIS–2011–0001;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this

notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2011–0001 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Free Training for Civics and Citizenship of Adults; Civics and Citizenship Toolkit.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* G–1190, G–1515; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households. This information is necessary to register for civics and citizenship of adults training and to obtain a civics and citizenship toolkit.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Civics and Citizenship Toolkit: 1,200 responses at 10 minutes (.166 hours) per response. Training for Civics and Citizenship of Adults: 1,000 responses at 10 minutes (.166 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 366 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $0.

Dated: May 24, 2017.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2017–11156 Filed 5–30–17; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0023]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Application To Register Permanent Residence or Adjust Status, Adjustment of Status Under Section 245(i), and Confirmation of Bona Fide Job Offer or Request for Job Portability Under INA Section 204(j)

AGENCY: U.S. Citizenship and Immigration Services, DHS.

ACTION: Notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the subject information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 and the regulations at 5 CFR 1320.10. This notice is intended to obtain input from the interested public on the need for the information requested, and suggestions on how to improve the form, instructions and information collection requirements.

DATES: Comments will be accepted until June 22, 2017.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* Comments may also be submitted via fax at (202) 395–5806. (This is not a toll-free number.) All submissions received must include the agency name and the OMB Control Number 1615–0023.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on March 31, 2017, at 82 FR 16053, allowing for a 60-day public comment period. USCIS received

comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2009–0020 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application To Register Permanent Residence or Adjust Status, Adjustment of Status Under Section 245(i), and Confirmation of Bona Fide Job Offer or Request for Job Portability Under INA Section 204(j).

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–485, Supplement A, and Supplement J to Form I–485; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The information collected is used to determine eligibility to adjust status under section 245 of the Immigration and Nationality Act, and to confirm a bona fide job offer or a request for job portability under INA Section 204(j).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

Form I–485—652,599 respondents responding at an estimated 6 hours 15 minutes per response.

Form I–485 Supplement A—36,000 respondents responding at an estimated 1 hour and 15 minutes per response.

Form I–485 Supplement J—28,309 respondents responding at an estimated 1 hour per response.

Biometrics Processing—An estimated 522,089 respondents will be required to provide biometrics which requires an estimated 1 hour and 10 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 4,762,897 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $233,841,457.

Dated: May 24, 2017.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2017–11103 Filed 5–30–17; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5339–N–05]

Housing Counseling Certification Examination Availability and Change To Certification Examination Cost

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of Availability of the HUD Certified Housing Counselor Examination.

SUMMARY: This notice follows publication of the ''Housing Counseling: New Certification Requirements'' final rule, issued on December 14, 2016, which requires that HUD announce the availability of the Housing Counselor Examination and start the 36-month time-period for individuals and Housing Counseling Agencies to come into compliance with the final rule's certification requirements. The final rule also noted that HUD would provide notice of any changes to the cost of the Housing Counselor Examination. Through this notice, HUD is announcing that the HUD Certified Housing Counselor Examination will be available starting on August 1, 2017, and that as of August 1, 2020, housing counseling required by or provided in connection with HUD programs may only be provided by HUD certified housing counselors working for participating agencies approved to provide such housing counseling by HUD's Office of Housing Counseling. This notice also announces a reduction to the cost of the Housing Counselor Examination.

DATES: Availability of HUD Certified Housing Counselor Examination: August 1, 2017.

FOR FURTHER INFORMATION CONTACT: Lorraine Griscavage-Frisbee at Office of Housing Counseling, Office of Housing, Department of Housing and Urban Development, 302 Carson Street, Las Vegas, Nevada 89101, telephone number 702–366–2126 (this is not a toll-free number). Persons with hearing or speech challenges may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339. Questions can also be addressed to Lorraine Griscavage-Frisbee, Office of Housing Counseling, at *housing.counseling@hud.gov.* Please include ''Housing Counseling Program: Certification Examination'' in the subject line of the email.

SUPPLEMENTARY INFORMATION:

I. Background

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) (Section 106) was amended by Subtitle D of title XIV of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203, 124 Stat. 1376, approved July 21, 2010) to strengthen and improve the effectiveness of housing counseling that is required under or provided in connection with HUD programs (Section 106 amendments). The Section 106 amendments require that individuals providing housing counseling required under or provided in connection with HUD programs be certified by taking and passing an examination administered by HUD's Office of Housing Counseling (HUD certified housing counselors) (12 U.S.C. 1701x(e)). On December 14, 2016, HUD published a final rule implementing the Section 106 certification requirements. The final rule states, in part, that within 36 months of the issuance of the certification examination housing counseling required by or in connection with HUD programs may only be provided by HUD certified housing counselors working for HUD-approved housing counseling agencies (HCAs) [1]

[1] HUD-approved organizations, intermediaries, multistate organizations, state housing finance

that are approved to provide such housing counseling by HUD's Office of Housing Counseling. *See* 81 FR 90632. The final rule also provided that the cost for taking the examination would be $100 for online testing at the examinee's location and $140 at a proctoring site, and any future changes to the cost would be announced by **Federal Register** notice.

This notice announces the availability of the certification examination beginning August 1, 2017. This Notice also provides the deadline of August 1, 2020 (36 months) within which all housing counselors and HCAs must satisfy the certification requirements in the final rule. This notice also announces that the cost for taking the examination has been reduced. The cost for online testing at the examinee's location will now be $60 and at a proctoring site the cost will be $100. Information about the examination, including registration, costs, and examination locations is available at *www.hudhousingcounselors.com.*

As required by Section 106 and HUD's regulations, as of August 1, 2020, housing counseling required by or in connection with HUD programs may only be provided by HUD certified housing counselors working for HCAs that are approved to provide such housing counseling by HUD's Office of Housing Counseling.

II. Tribes

As HUD noted in the final rule, application of the of the Section 106 certification examination requirements will only apply to Indian tribes and tribal entities after HUD undergoes tribal consultation and addresses the participation of tribes in HUD's Housing Counseling Program in future rulemaking or guidance, as appropriate.

Dated: May 24, 2017.

Genger M. Charles,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2017–11213 Filed 5–30–17; 8:45 am]

BILLING CODE 4210–67–P

agencies, and their branches and affiliates (collectively referred to as Housing Counseling Agencies, or HCAs).

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–ES–2017–N037; FXES11130900000–178–FF09E32000]

Agency Information Collection Activities: OMB Control Number 1018–0095; Endangered and Threatened Wildlife, Experimental Populations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (U.S. Fish and Wildlife Service, Service) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This IC is scheduled to expire on October 31, 2017. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: To ensure that we are able to consider your comments on this IC, we must receive them by July 31, 2017.

ADDRESSES: Send your comments on the IC to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: BPHC, Falls Church, VA 22041–3803 (mail); or *info_coll@fws.gov* (email). Please include ''1018–0095'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Service Information Collection Clearance Officer, at *info_coll@fws.gov* (email) or (703) 358–2503 (telephone).

SUPPLEMENTARY INFORMATION:

I. Abstract

Section 10(j) of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), authorizes the Secretary of the Interior to establish experimental populations of endangered or threatened species. Because individuals of experimental populations are protected under the ESA, the information we collect is important for monitoring the success of reintroduction and recovery efforts. This is a nonform collection (meaning there is no designated form associated with this collection). Information collection requirements for experimental populations of vertebrate endangered and threatened species are found in 50 CFR 17.84. We collect three categories of information, which are specific to each species and are described within 50 CFR 17.84:

(1) General take or removal. Take is defined by the ESA as ''[to] harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.'' In this IC, take most commonly takes the form of human-related mortality, including unintentional taking incidental to otherwise lawful activities (*e.g.,* highway mortalities); animal husbandry actions authorized to manage the population (*e.g.,* translocation or providing aid to sick, injured, or orphaned individuals); take in defense of human life; take related to defense of property (if authorized); or take in the form of authorized harassment.

(2) Specimen collection, recovery, or reporting of dead individuals. This information documents incidental or authorized scientific collection. Most of the information collected addresses the reporting of sightings of experimental population animals or the inadvertent discovery of an injured or dead individual.

(3) Depredation-related take. Involves take for management purposes where livestock depredation is documented, and may include authorized harassment or authorized lethal take of experimental population animals in the act of attacking livestock. See 50 CFR 17.84 for specific provisions of harassment for each species within this section.

The information that we collect includes:

- Name, address, and phone number of reporting party.
- Species involved.
- Type of incident.
- Quantity of take.
- Location and time of the reported incident.
- Description of the circumstances related to the incident.

Service recovery specialists use this information to determine the success of reintroductions in relation to established recovery plan goals for the experimental populations of vertebrate endangered and threatened species involved. In addition, this information helps us to assess the effectiveness of control activities in order to develop better means to reduce problems with livestock for those species where depredation is a problem.

II. Data

OMB Control Number: 1018–0095.

Title: Endangered and Threatened Wildlife, Experimental Populations, 50 CFR 17.84.

Service Form Number(s): None.

Type of Request: Extension of a currently approved collection.

Description of Respondents: Individuals and households, private sector, and State/local/tribal governments.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion.

Requirement	Annual number of respondents	Number of responses each	Total annual responses	Completion time per response (hours)	Total annual burden hours
Notification: General Take or Removal					
Individuals	12	1	12	.5	6
Private Sector	7	1	7	.5	4
Government	29	1	29	.5	15
Notification: Depredation-Related Take					
Individuals	25	1	25	.5	13
Private Sector	2	1	2	.5	1
Government	9	1	9	.5	5
Notification: Specimen Collection					
Individuals	3	1	3	.5	2
Private Sector	2	1	2	.5	1
Government	16	1	16	.5	8
Totals	105	.....	105	.....	55

Estimated Annual Nonhour Burden Cost: The only foreseeable nonhour burden cost to respondents would be a small cost for making a telephone call or sending a facsimile. However, we do not expect that this would occur often and any costs would be negligible.

III. Comments

We invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- 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.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. 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.

IV. Authorities

The authorities for this action are the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: May 25, 2017.

Madonna L. Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2017–11169 Filed 5–30–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

[17XD0120OS.DX68201.QAGENLAM. DOTN00000.000000.DS68241000]

Tribal Listening Session; Oklahoma City Probate Hearings Division Field Office

AGENCY: Office of Hearings and Appeals, Interior.

ACTION: Notice.

SUMMARY: The Department of the Interior's (Department) Office of Hearings and Appeals (OHA), Probate Hearings Division (Ph.D.) is responsible for probating Indian trust estates. OHA plans to close the Ph.D. Oklahoma City Field Office at the end of this fiscal year, September 30, 2017. This notice is to inform interested federally recognized tribes, individual Indians, and other interested parties of an upcoming opportunity to share insights and make recommendations regarding how OHA can best maintain its level of service. The agencies and areas served by the Oklahoma City Ph.D. office include Horton, Absentee Shawnee, Anadarko, Cherokee Nation, Chickasaw Nation, Choctaw Nation, Citizen Pottawatomie, Concho, Eastern Oklahoma, Miami, Pawnee, Sac & Fox (except IA), Shawnee, and Southern Plains.

DATES: Written comments must be received by June 30, 2017. Please see the **SUPPLEMENTARY INFORMATION** section of this notice for the date of the Tribal listening session.

ADDRESSES: You may submit comments by one of the following methods:

- *Email: Ph.D.@oha.doi.gov.*
- *By hard copy:* Submit by U.S. mail to Ms. Christine Kelly, Office of Hearings and Appeals, Probate Hearings Division, U.S. Department of the Interior, P.O. Box 26147, Albuquerque, NM 87125; or by hand delivery to: Ms. Christine Kelly, Office of Hearings and Appeals, Probate Hearings Division, U.S. Department of the Interior, 1011 Indian School Road, NW., Room 322, Albuquerque, NM 87104.

Please see the **SUPPLEMENTARY INFORMATION** section of this notice for information on the Tribal listening session.

FOR FURTHER INFORMATION CONTACT: Ms. Christine Kelly, Office of Hearings and Appeals, Probate Hearings Division, U.S. Department of the Interior, P.O.

Box 26147, Albuquerque, NM 87104; telephone—(505) 563–5330; email—*Ph.D.@oha.doi.gov.*

SUPPLEMENTARY INFORMATION:

The Department will host the Tribal listening session by teleconference on June 22, 2017 from 3:30 p.m. to 6:30 p.m. Central Time. The call-in number is: 1–888–968–4312 and the passcode is: 3839047. The Department will also accept written comments received by the date listed in the **DATES** section of this notice.

I. Background

PHD serves as the Department's administrative trial court for Indian probate cases. Through formal hearings conducted by Administrative Law Judges and Indian Probate Judges, and summary proceedings conducted by an Attorney Decision Maker, PHD determines the rightful heirs and beneficiaries of decedents who owned property held in trust or restricted title by the United States. PHD determines the validity of wills, decides what claims against the estate will be allowed, and orders distribution of the trust or restricted property to those entitled to receive it.

PHD Headquarters office is located in Albuquerque, New Mexico, and field offices are located in Rapid City, South Dakota, Billings, Montana, Bloomington, Minnesota, Sacramento, California, and Oklahoma City, Oklahoma. In June 2015, the Administrative Law Judge based in the Oklahoma City office retired and all but one employee subsequently left OHA for other opportunities. The remaining employee, now an Indian Probate Judge, continued to serve the Oklahoma City office area, conducting hearings in Oklahoma City and at locations throughout the region depending on where potential heirs reside.

In light of the Administrative Law Judge's retirement and the other staff departures, OHA plans to close the Oklahoma City office. The closure of the office will realize cost savings for the Federal Government and further promote the streamlining of operations. The IPJ will continue to serve the Oklahoma City office area from a home office, and she and other Ph.D. Judges will continue to conduct hearings in Oklahoma City and travel, as appropriate, to other areas served by the Oklahoma City office. OHA will continue to offer telephonic access to hearings so that people who do not live in the local area may participate in the hearings process without incurring travel expenses, if they so choose. OHA's goal is to make participation in probate hearings as convenient as possible and available to the greatest number of interested parties. The primary focus will be to hold in-person hearings locally, when practicable.

Efforts to maintain the level of service have been ongoing since the departure of most of Oklahoma City's employees and will continue even with the closure of the physical office space. OHA is not aware of any complaints that case disposition productivity diminished during this transition, but, through this listening session, Tribes, individual Indians, and interested parties are provided an opportunity to submit insights and recommendations of how OHA can best maintain its level of service in the areas served by the Oklahoma City Ph.D. office.

Authority: 212 DM 13.1

Dated: May 22, 2017.

Janet H. Lin,

Deputy Director—Office of Hearings and Appeals.

[FR Doc. 2017–11186 Filed 5–30–17; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF JUSTICE

[CPCLO Order No. 003–2017]

Privacy Act of 1974; System of Records

AGENCY: United States Department of Justice, Federal Bureau of Investigation.

ACTION: Rescindment of a System of Records Notice.

SUMMARY: Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, and Office of Management and Budget (OMB) Circular No. A–108, notice is hereby given that the Department of Justice (Department or DOJ) proposes to rescind the Federal Bureau of Investigation (FBI) System of Records Notice title, ''FBI Insider Threat Program Records (ITPR),'' JUSTICE/FBI–023, last published in full on September 19, 2016, at 81 FR 64198. Records that were part of JUSTICE/FBI–023 will now be covered by the DOJ-wide system of records titled, ''DOJ Insider Threat Program Records,'' JUSTICE/DOJ–018, published elsewhere in the **Federal Register**.

DATES: Notice of this rescindment is effective on July 10, 2017.

ADDRESSES: The public, OMB, and Congress are invited to submit any comments to the U.S. Department of Justice, ATTN: Privacy Analyst, Office of Privacy and Civil Liberties, National Place Building, 1331 Pennsylvania Avenue NW., Suite 1000, Washington, DC 20530–0001, by facsimile at 202–307–0693, or by email at *privacy.compliance@usdoj.gov.* To ensure proper handling, please reference the above CPCLO Order No. on your correspondence.

FOR FURTHER INFORMATION CONTACT: Richard R. Brown, Federal Bureau of Investigation, Assistant General Counsel, Privacy and Civil Liberties Unit, Office of the General Counsel, J. Edgar Hoover Building, 935 Pennsylvania Avenue NW., Washington, DC 20535–0001, telephone 202–324–3000.

SUPPLEMENTARY INFORMATION:

JUSTICE/FBI–023 established a system of records for the FBI's capabilities to detect, deter, and mitigate threats by FBI personnel including, but not limited to, employees, members of joint task forces under the purview of the FBI, contractors, detailees, assignees, and interns, with authorized access to FBI facilities, information systems, or Classified information. FBI personnel assigned to the FBI Insider Threat Prevention and Detection Program (ITPDP) have used the system of records to facilitate management of insider threat inquiries and activities associated with inquiries and referrals, identify potential threats to FBI resources and information assets, track referrals of potential insider threats to internal and external partners, and provide statistical reports and meet other insider threat reporting requirements. JUSTICE/FBI–023 is being discontinued and will be replaced by the DOJ Insider Threat Program Records, JUSTICE/DOJ–018, a DOJ-wide system of records with the same purpose. Records that were part of JUSTICE/FBI–023 will continue to be retained, but will become part of JUSTICE/DOJ–018. The JUSTICE/DOJ–018 will cover the same types of records as the discontinued JUSTICE/FBI–023, but on a Department-wide scale.

SYSTEM NAME AND NUMBER:

FBI Insider Threat Program Records, JUSTICE/FBI–023.

HISTORY:

See 81 FR 64198 (Sept. 19, 2016) for the notice of a new system of records establishing JUSTICE/FBI–023.

Dated: May 19, 2017.

Peter A. Winn,

Acting Chief Privacy and Civil Liberties Officer, United States Department of Justice.

[FR Doc. 2017–10783 Filed 5–30–17; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0055]

Agency Information Collection Activities; Proposed eCollection; eComments Requested; National Instance Criminal Background Check System Section

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 30-day notice.

SUMMARY: Department of Justice (DOJ), Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register**, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until June 30, 2017.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Federal Bureau of Investigation, Criminal Justice Information Services Division, National Instance Criminal Background Check System Section, Module A–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, or email *NICS@ic.fbi.gov* Attention: OMB PRA 1110–0055. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov*.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—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.

Overview of This Information Collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* The National Instance Criminal Background Check System (NICS) Checks by Criminal Justice Agencies

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Sponsoring component: Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, state, federal, and tribal law enforcement agencies. Abstract: In November 1993, the Brady Handgun Violence Prevention Act of 1993 (Brady Act), Pub. L. 103–159, was signed into law and required Federal Licensees (FFL) to request background checks on individuals attempting to purchase a firearm. The permanent provisions of the Brady Act, which went into effect on November 30, 1998, required the United States Attorney General to establish the NICS whereas FFLs may contact by telephone or other electronic means in addition to telephone for information to be supplied within three business days on whether the receipt of a firearm by a prospective transferee would violate 18 U.S.C. 922(g) or 18 U.S.C. 922(n), or state law. There are additional authorized uses of the NICS found at 28 CFR 25.6(j). The FBI authorized the CJAs to initiate a NICS check to assist their transfer of firearms to private individuals as a change to 28.CFR 25.6(j) in 78 FR 5757, January 28, 2013.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated the time burden associated with this collection is 3 minutes per transaction, depending on the individual circumstances. The total annual respondent entities taking advantage of this disposition process is 18,000 CJAs.

(6) *An estimate of the total public burden (in hours) associated with the collection:* It is estimated the burden associated with this collection is 3 minutes per transaction depending on individual circumstances. If each of the 18,000 respondents conducted three dispositions with this authority per year at 3 minutes per check, then it is anticipated the business burden would be 2,700 hours per year.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Suite 3E.405B, Washington, DC 20530.

Dated: May 25, 2017.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2017–11113 Filed 5–30–17; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Claim Adjudication Process for Alleged Presence of Pneumoconiosis

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) revision titled, ''Claim Adjudication Process for Alleged Presence of Pneumoconiosis,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before June 30, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201703–1240–004* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request by mail to the Office of Information and

Regulatory Affairs, Attn: OMB Desk Officer for DOL–OWCP, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Claim Adjudication Process for Alleged Presence of Pneumoconiosis information collection. Regulations 20 CFR 718, subpart B establishes the relevant medical evidence development criteria regarding coal miners who apply for Black Lung Benefits Act (30 U.S.C. 901 *et seq.*) payments. The Division of Coal Mine Workers' Compensation is required to schedule a series of four diagnostic tests to help establish eligibility for black lung benefits. Each diagnostic test has its own form setting forth the medical results: Roentgenographic Interpretation (Form CM–933), Roentgenographic Quality Rereading (Form CM–933b), Medical History and Examination for Coal Mine Workers' Pneumoconiosis (Form CM–988), Report of Arterial Blood Gas Study (CM–1159), and Report of Ventilatory Study (Form CM–2907). In addition, regulations 20 CFR 718.102 sets forth standards for accompanying chest radiographs (x-rays). This information collection has been classified as a revision, because the OWCP has made several clarifications to the data collection Federal Mine Safety and Health Act section 508 authorizes this information collection. *See* 30 U.S.C. 957.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1240–0023. The current approval is scheduled to expire on May 31, 2017; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 10, 2017 (82 FR 10411).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1240–0023. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OWCP.

Title of Collection: Claim Adjudication Process for Alleged Presence of Pneumoconiosis.

OMB Control Number: 1240–0023.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 27,500.

Total Estimated Number of Responses: 27,500.

Total Estimated Annual Burden Hours: 6,693.

Total Estimated Annual Other Costs Burden: $0.

Dated: May 24, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–11171 Filed 5–30–17; 8:45 am]

BILLING CODE 4510–CK–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Description of Coal Mine Work and Other Employment

AGENCY: Office of the Secretary, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) revision titled, ''Description of Coal Mine Work and Other Employment,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before June 30, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201703-1240-002* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OWCP, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW.,

Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to revise the Comparability of Current Work to Coal Mine Employment (Form CM–913) information collection that helps to ensure compensation paid to a claimant is accurate. Once a miner has been identified as having performed non-coal mine work subsequent to coal mine employment, the miner or the miner's survivor completes Form CM–913. The OWCP uses information provided to compare physical demands of the miner's coal mine work with those of his or her last or current non-coal mine work. This ICR has been classified as a revision, because the OWCP has clarified the information sought by asking questions that are more specific. Federal Mine Safety and Health Act section 508 authorizes this information collection. *See* 30 U.S.C. 957.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1240–0035. The current approval is scheduled to expire on May 31, 2017; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 10, 2017 (82 FR 10412).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1240–0035. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OWCP.

Title of Collection: Description of Coal Mine Work and Other Employment.

OMB Control Number: 1240–0035.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 1,650.

Total Estimated Number of Responses: 1,650.

Total Estimated Annual Time Burden: 1,100 hours.

Total Estimated Annual Other Costs Burden: $858.

Dated: May 24, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–11173 Filed 5–30–17; 8:45 am]

BILLING CODE 4510–CK–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2016–0005]

Preparations for the 33rd Session of the UN Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (UNSCEGHS)

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice of public meeting.

SUMMARY: This notice is to advise interested persons that on Tuesday, June 20, 2017, OSHA will conduct a public meeting to discuss proposals in preparation for the 33rd session of the United Nations Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (UNSCEGHS) to be held July 10 through July 12, 2017, in Geneva, Switzerland. OSHA, along with the U.S. Interagency GHS (Globally Harmonized System of Classification and Labelling of Chemicals) Coordinating Group, plans to consider the comments and information gathered at this public meeting when developing the U.S. Government positions for the UNSCEGHS meeting. OSHA also will give an update on the Regulatory Cooperation Council (RCC).

Also, on Tuesday, June 20, 2017, the Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA) will conduct a public meeting (See Docket No. PHMSA–2017–0037 Notice No. 2017–02) to discuss proposals in preparation for the 51st session of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods (UNSCETDG) to be held July 3 to July 7, 2017, in Geneva, Switzerland. During this meeting, PHMSA is also requesting comments relative to potential new work items that may be considered for inclusion in its international agenda. PHMSA will also provide an update on recent actions to enhance transparency and stakeholder interaction through improvements to the international standards portion of its Web site.

DATES: Tuesday, June 20, 2017.

ADDRESSES: Both meetings will be held at the DOT Headquarters Conference Center, West Building, Conference Rooms 8, 9 and 10, 1200 New Jersey Avenue SE., Washington, DC 20590.

Times and Locations: PHMSA public meeting: 9:00 a.m. to 12:00 p.m. EDT, Conference Rooms 8, 9 and 10. OSHA public meeting: 1:00 p.m. to 4:00 p.m. EDT, Conference Rooms 8, 9 and 10.

Advanced Meeting Registration: The DOT requests that attendees pre-register for these meetings by completing the form at: *https://www.surveymonkey.com/r/STXPWNX.* Failure to pre-register may delay your access into the DOT Headquarters building. Additionally, if you are attending in-person, arrive early to allow time for security checks necessary to access the building. Conference call-in and ''live meeting'' capability will be provided for both meetings.

The conference dial-in information for the UN meetings is below.

Toll Free: 888–675–2535, Access code: 3614708

Specific information on call-in and live meeting access will be posted when

available at: *http://www.phmsa.dot.gov/hazmat/regs/international* under Upcoming Events. This information will also be posted on OSHA's Hazard Communication Web site on the international tab at: *https://www.osha.gov/dsg/hazcom/hazcom_international.html#meeting-notice.*

FOR FURTHER INFORMATION CONTACT: At the Department of Transportation, please contact Mr. Steven Webb or Mr. Aaron Wiener, Office of Hazardous Materials Safety, Department of Transportation, Washington, DC 20590, telephone: (202) 366–8553.

At the Department of Labor, please contact Ms. Maureen Ruskin, OSHA Directorate of Standards and Guidance, Department of Labor, Washington DC 20210, telephone: (202) 693–1950, email: *ruskin.maureen@dol.gov.*

SUPPLEMENTARY INFORMATION: *The OSHA Meeting:* OSHA is hosting an open informal public meeting of the U.S. Interagency GHS Coordinating Group to provide interested groups and individuals with an update on GHS-related issues and an opportunity to express their views orally and in writing for consideration in developing U.S. Government positions for the upcoming UNSCEGHS meeting.

General topics on the agenda include:

- Review of Working papers
- Correspondence Group updates
- Regulatory Cooperation Council (RCC) Update

Information on the work of the UNSCEGHS including meeting agendas, reports, and documents from previous sessions, can be found on the United Nations Economic Commission for Europe (UNECE) Transport Division Web site located at the following web address: *http://www.unece.org/trans/danger/publi/ghs/ghs_welcome_e.html.* The UNSCEGHS bases its decisions on Working Papers. The Working Papers for the 33rd session of the UNSCEGHS are located at: *https://www.unece.org/trans/main/dgdb/dgsubc4/c42017.html.*

Informal Papers submitted to the UNSCEGHS provide information for the Sub-committee and are used either as a mechanism to provide information to the Sub-committee or as the basis for future Working Papers. Informal Papers for the 33nd session of the UNSCEGHS are located at: *http://www.unece.org/trans/main/dgdb/dgsubc4/c4inf32.html.*

In addition to participating at the Public meeting, interested parties may submit comments on the Working and Informal Papers for the 33rd session of the UNSCEGHS to the docket established for International/Globally Harmonized System (GHS) efforts at *http://www.regulations.gov,* Docket No. OSHA–2016–0005.

The PHMSA Meeting: The **Federal Register** notice and additional detailed information relating to PHMSA's public meeting will be available upon publication at: *http://www.regulations.gov/* (Docket No.PHMSA–2017–0037, Notice No. 2017–02), and on the PHMSA Web site at: *http://www.phmsa.dot.gov/hazmat/regs/international.*

PHMSA will host the meeting to gain input from the public concerning proposals submitted to the UNSCETDG for the 21st Revised Edition of the United Nations Recommendations on the Transport of Dangerous Goods Model Regulations, which may be implemented into relevant domestic, regional, and international regulations from January 1, 2021. During this meeting, PHMSA is also soliciting input relative to preparing for the 51th session of the UNSCE TDG as well as potential new work items which may be considered for inclusion in its international agenda.

Copies of working documents, informal documents, and the meeting agenda may be obtained from the United Nations Transport Division's Web site at: *https://www.unece.org/trans/main/dgdb/dgsubc3/c32017.html. http://www.unece.org/trans/danger/danger.html.*

Authority and Signature

This document was prepared under the direction of Dorothy Dougherty, Deputy Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, pursuant to sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), and Secretary's Order 1–2012 (77 FR 3912), (Jan. 25, 2012).

Signed at Washington, DC, on May 18, 2017.

Dorothy Dougherty,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2017–11170 Filed 5–30–17; 8:45 am]

BILLING CODE 4510–26–P

EXECUTIVE OFFICE OF THE PRESIDENT

Office of National Drug Control Policy

Notification of a Public Meeting of the President's Commission on Combating Drug Addiction and the Opioid Crisis (Commission)

AGENCY: Office of National Drug Control Policy (ONDCP).

ACTION: Notice of meeting.

SUMMARY: ONDCP announces the first meeting of the President's Commission on Combating Drug Addiction and the Opioid Crisis to advance the Commission's work on drug issues and the opioid crisis per Executive Order 13784. The first meeting will consist of statements to the Commission from invited nonprofit organizations regarding drug issues followed by discussion of the issues raised.

DATES: The first Commission meeting will be held on Friday June 16, 2017 from 12:30 p.m. until approximately 2:30 p.m. (Eastern Time).

ADDRESSES: The meeting will be held at the Eisenhower Executive Office Building, Room 350, in the Executive Office of the President in Washington, DC. It will be open to the public through livestreaming on *https://www.whitehouse.gov/live.*

FOR FURTHER INFORMATION CONTACT: General information concerning the Commission and its meetings can be found on ONDCP's Web site at *https://www.whitehouse.gov/ondcp/presidents-commission.* Any member of the public who wishes to obtain information about the Commission or its meetings that is not already on ONDCP's Web site or who wishes to submit written comments for the Commission's consideration may contact Michael Passante, Designated Federal Officer (DFO) via email at *commission@ondcp.eop.gov* or telephone at (202) 395–6709. Please note that ONDCP may post such written comments publicly on our Web site, including names and contact information that are submitted. There will not be oral comments from the public at the meeting. Requests to accommodate disabilities with respect to livestreaming or otherwise should also be sent to that email address, preferably at least 10 days prior to the meeting to allow time for processing.

SUPPLEMENTARY INFORMATION: The Commission was established in accordance with E.O. 13784 of March 29, 2017, the Commission's charter, and the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2, to obtain advice and recommendations for the President regarding drug issues. The Executive Order, charter, and information on the Members of the Commission are available on ONDCP's Web site. The Commission will function solely as an advisory body and will make recommendations regarding policies and practices for combating drug addiction with particular focus on the current opioid crisis in the United States. The Commission's final report is due October 1, 2017 unless there is an

extension. Per E.O. 13784, the Commission shall:

a. Identify and describe the existing Federal funding used to combat drug addiction and the opioid crisis;

b. assess the availability and accessibility of drug addiction treatment services and overdose reversal throughout the country and identify areas that are underserved;

c. identify and report on best practices for addiction prevention, including healthcare provider education and evaluation of prescription practices, collaboration between State and Federal officials, and the use and effectiveness of State prescription drug monitoring programs;

d. review the literature evaluating the effectiveness of educational messages for youth and adults with respect to prescription and illicit opioids;

e. identify and evaluate existing Federal programs to prevent and treat drug addiction for their scope and effectiveness, and make recommendations for improving these programs; and;

f. make recommendations to the President for improving the Federal response to drug addiction and the opioid crisis.

Dated: May 25, 2017.

Michael Passante,

Acting General Counsel, Designated Federal Officer.

[FR Doc. 2017–11230 Filed 5–30–17; 8:45 am]

BILLING CODE 3280–F5–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0130]

Qualification of Safety-Related Vented Lead-Acid Storage Batteries for Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG), DG–1338, ''Qualification of Safety-Related Vented Lead-Acid Storage Batteries for Nuclear Power Plants.'' DG–1338 is proposed revision 1 of regulatory guide (RG) 1.158, ''Qualification of Safety-Related Lead Storage Batteries for Nuclear Power Plants'' dated February 1989. DG–1338 endorses (with clarifying regulatory positions) the Institute of Electrical and Electronics Engineers (IEEE) Standard (Std.) 535–2013, ''IEEE Standard for Qualification of Class 1E Vented Lead Acid Storage Batteries for Nuclear Power Generating Stations.'' IEEE 535–2013 contains procedures for qualifying batteries with duty cycles of less than 8 hours and batteries with duty cycles longer than 8 hours.

DATES: Submit comments by July 31, 2017. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID: NRC–2017–0130. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: TWFN–08C22, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Lilliana Ramadan, telephone: 301–415–2463, email: *Lilliana.Ramadan@nrc.Gov,* or Mark Orr, telephone: 301–415–6003, email: *Mark.Orr@nrc.gov.* Both are staff of the Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0130 when contacting the NRC about the availability of information regarding this action. You may obtain publically-available information related to this action, by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0130.
- *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 DG is electronically available in ADAMS under Accession No. ML16337A005. The regulatory analysis for this DG is available in ADAMS under Accession No. ML16340A112.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2017–0130 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as enters the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Additional Information

The NRC is issuing for public comment a DG in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific issues or postulated events, and data that the staff needs in its review of applications for permits and licenses.

The DG, entitled ''Qualification of Safety-Related Vented Lead-Acid Storage Batteries for Nuclear Power

Plants,'' is proposed revision 1 to RG 1.158. The proposed revised RG is temporarily identified by its task number, DG–1338. The proposed revised RG provides more current guidance on the methods and type-test procedures for two different battery applications. One application is for batteries with duty cycles equal to or less than 8 hours and the other application is for batteries with duty cycles longer than 8 hours. The 2013 revision of IEEE Std. 535 provides a qualification process for both applications to ensure battery performance and provides a normative annex with example testing regimens. The NRC staff determined that RG 1.158 should be revised to endorse the 2013 version of IEEE Std. 535 to support new reactor license applications, design certifications, and applications for license amendments.

Copies of IEEE documents may be purchased from the Institute of Electrical and Electronics Engineers Service Center, 445 Hoes Lane, PO Box 1331, Piscataway, NJ 08855 or through the IEEE's public Web site at *http://www.ieee.org/publications_standards/index.html.*

III. Backfitting and Issue Finality

Draft regulatory guide DG–1338, if finalized as revision 1 to RG 1.158, would endorse, with certain clarifications, the 2013 revision of IEEE Std. 535 which refines the methods and type-test procedures for two different battery applications. One application is for batteries with duty cycles equal to or less than 8 hours and the other application is for batteries with duty cycles longer than 8 hours. The 2013 revision of IEEE Std. 535 demonstrates and outlines the qualifying process for both applications to ensure battery performance. It also provides a comprehensive document for qualifying batteries with additional normative annexes. The draft regulatory guide, if finalized, would not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52, ''Licenses, Certifications and Approvals for Nuclear Power Plants.'' The subject of this draft regulatory guide, as described above, is an NRC-defined process which does not fall within the purview of subjects covered by either the Backfit Rule or the issue finality provision in 10 CFR part 52. Issuance of the draft regulatory guide, in final form, would not constitute backfitting, and no further consideration of backfitting is required in order to issue the draft or final regulatory guide in final form.

Dated at Rockville, Maryland, this 25th day of May 2017.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2017–11223 Filed 5–30–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

National Marine Fisheries Service

[NRC–2016–0189]

Shipping, Receiving, and Internal Transfer of Special Nuclear Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Regulatory Guide (RG) 5.41, ''Shipping, Receiving, and Internal Transfer of Special Nuclear Material.'' This new RG consolidates in one document NRC guidance concerning the material control and accounting requirements pertaining to shipments, receipts, and internal transfers of special nuclear material. In addition, this guide provides updated guidance for source material (SM) and depleted uranium (DU) at uranium enrichment facilities.

DATES: Revision 0 to RG 5.41 is available on May 31, 2017.

ADDRESSES: Please refer to Docket ID NRC–2016–0189 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0189. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals 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 Document collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. RG 5.41 may be found in ADAMS under Accession No. ML16348A213. The regulatory analysis supporting this RG may be found in ADAMS under Accession No. ML14181B214.
- *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: Glenn Tuttle, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–7230, email: *Glenn.Tuttle@nrc.gov,* or Mekonen Bayssie, Office of Nuclear Regulatory Research, telephone: 301–415–1699, email: *Mekonen.Bayssie@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC is issuing a new guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

The RG 5.41 is entitled, ''Shipping, Receiving, and Internal Transfer of Special Nuclear Material,'' and provides guidance for meeting the nuclear material control and accounting (MC&A) requirements in part 74 of title 10 of the *Code of Federal Regulations* (10 CFR part 74), ''Material Control and Accounting of Special Nuclear Material,'' that cover these topics.

RG 5.41 updates and combines in one document guidance previously provided by:

- RG 5.28, ''Evaluation of Shipper-Receiver Differences in the Transfer of Special Nuclear Material,'' published in June 1974 (ADAMS Accession No. ML003740063);
- RG 5.49, ''Internal Transfers of Special Nuclear Material,'' published in March 1975 (ADAMS Accession No. ML003739222); and
- RG 5.57, ''Shipping and Receiving Control of Strategic Special Nuclear Material,'' published in June 1980 (ADAMS Accession No. ML003739260).

Due to several rulemakings that occurred from 1985 to 2002, which significantly amended the MC&A requirements, the above regulatory guides became outdated as they no longer cite the correct sections of the regulations. Accordingly, RG 5.28, RG 5.49, and RG 5.57 are being withdrawn concurrent with the issuance of RG 5.41, which provides the correct citations to the 10 CFR part 74 regulations.

NRC guidance on the MC&A requirements pertaining to shipments, receipts, and internal transfers of special nuclear material is also provided in the following NUREGs that were issued in conjunction with the 1985–2002 MC&A rulemakings:

- NUREG–1280, ''Standard Format and Content Acceptance Criteria for the Material Control and Accounting (MC&A) Reform Amendment,'' applicable to facilities using formula quantities of strategic special nuclear material (ADAMS Accession No. ML031340295).
- NUREG–1065, ''Acceptable Standard Format and Content for the Fundamental Nuclear Material Control (FNMC) Plan Required for Low-Enriched Uranium Facilities,'' applicable to fuel fabrication facilities using low-enriched uranium (ADAMS Accession No. ML031340288).
- NUREG/CR–5734, ''Recommendations to the NRC on Acceptable Standard Format and Content for the Fundamental Nuclear Material Control (FNMC) Plan Required for Low-Enriched Uranium Enrichment Facilities,'' applicable to uranium enrichment plants (ADAMS Accession No. ML15120A354).

RG 5.41 incorporates guidance from these NUREGs that relates to the monitoring of shipments, receipts, and internal transfers of SNM. In addition to providing guidance on these topics, the NUREGs listed above cover other MC&A requirements as well. Therefore, these NUREGs are not being withdrawn.

II. Additional Information

The draft of RG 5.41 was issued with a temporary identification of Draft Regulatory Guide, DG–5051, ''Shipping, Receiving, and Internal Transfer of Special Nuclear Material.'' The NRC published a notice of the availability of DG–5051 in the **Federal Register** on September 21, 2016 (81 FR 64955) for a 30-day public comment period. The public comment period closed on October 21, 2016. Public comments on DG–5051 and the staff responses to the public comments are available in ADAMS under Accession No. ML16348A218.

III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Backfitting and Issue Finality

Issuance of RG 5.41 does not constitute backfitting as defined in 10 CFR 70.76. As discussed in the ''Implementation'' section of RG 5.41, the NRC has no current intention to impose this guidance on holders of 10 CFR part 70 licenses. Additionally, RG 5.41 incorporates relevant guidance from NUREG–1280, NUREG–1065, and NUREG/CR–5734 without making substantive changes to that guidance. RG 5.41 updates the outdated NRC guidance provided in RG 5.28, RG 5.49, and RG 5.57 by providing the correct citations to the existing 10 CFR part 74 regulations. Accordingly, the issuance of RG 5.41 does not constitute a ''new'' or ''different'' staff position within the definition of ''backfitting'' in 10 CFR 70.76.

Dated at Rockville, Maryland, this 25th day of May 2017.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2017–11224 Filed 5–30–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–259, 50–260, and 50–296; NRC–2016–0244]

Tennessee Valley Authority; Browns Ferry Nuclear Plant, Units 1, 2, and 3

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of amendments to Renewed Facility Operating License Nos. DPR–33, DPR–52, and DPR–68 issued to Tennessee Valley Authority (TVA, the licensee) for operation of Browns Ferry Nuclear Plant, Units 1, 2, and 3 (BFN) located in Limestone County, Alabama. The proposed amendments would increase the maximum licensed thermal power level for each reactor from 3,458 megawatts thermal (MWt) to 3,952 MWt. This change, referred to as an extended power uprate (EPU), represents an increase of approximately 14.3 percent above the current licensed thermal power limit. The NRC is issuing a final environmental assessment (EA) and final finding of no significant impact (FONSI) associated with the proposed EPU.

DATES: The final EA and final FONSI are available on May 31, 2017.

ADDRESSES: Please refer to Docket ID NRC–2016–0244 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web Site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0244. 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.* For the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of 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: Siva P. Lingam, telephone: 301–415–1564; email: *Siva.Lingam@nrc.gov;* or Briana Grange, telephone: 301–415–1042; email: *Briana.Grange@nrc.gov.* Both are staff members of the Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering issuance of amendments to Renewed Facility Operating License Nos. DPR–33, DPR–52, and DPR–68 issued to TVA for operation of BFN located in Limestone County, Alabama. TVA submitted its

license amendment request in accordance with section 50.90 of title 10 of the *Code of Federal Regulations* (10 CFR), by letter dated September 21, 2015 (TVA 2015a). TVA subsequently supplemented its application as described under ''Description of the Proposed Action'' in Section II of this document. If approved, the license amendments would increase the maximum thermal power level at each of the three BFN units from 3,458 MWt to 3,952 MWt.

Consistent with NRC Review Standard 001 (RS–001), Revision 0, ''Review Standard for Extended Power Uprates'' (NRC 2003), the NRC prepared a draft EA and draft FONSI, both of which were published the **Federal Register** (FR) on December 1, 2016, with a 30-day comment period (NRC 2016a; 81 FR 86732). The NRC did not receive any public comments on the draft EA or draft FONSI. This final EA has been prepared in accordance with 10 CFR 51.21.

The final EA includes revisions addressing two supplements to the EPU application submitted by TVA in letters dated January 20, 2017 (TVA 2017b), and February 3, 2017 (TVA 2017c). In the supplements, TVA proposed to install a static volt-ampere reactive (VAR) compensator (SVC) at the Limestone Substation in Limestone County, Alabama to address transmission system upgrades necessary to ensure transmission system stability at EPU power levels rather than installing capacitor banks at the Wilson Substation in Wilson County, Tennessee. The final EA has been updated to reflect these changes. No significant environmental impacts were identified associated with the SVC installation at the Limestone Station, and all other aspects of the proposed EPU and associated transmission system upgrades remain the same as described in the draft EA. Based on the results of the final EA contained in Section II of this document, the NRC did not identify any significant environmental impacts associated with the proposed amendments and has, therefore, prepared a final FONSI in accordance with 10 CFR 51.32 and 51.34(a) and is publishing the final FONSI in the **Federal Register** in accordance with 10 CFR 51.35.

II. Environmental Assessment

Plant Site and Environs

The BFN site encompasses 840 acres (ac) (340 hectares (ha)) of Federally owned land that is under the custody of TVA in Limestone County, Alabama. The site lies on the north shore of Wheeler Reservoir at Tennessee River Mile (TRM) 294 and is situated approximately 10 miles (mi) (16 kilometers [km]) south of Athens, Alabama, 10 mi (16 km) northwest of Decatur, Alabama, and 30 mi (48 km) west of Huntsville, Alabama.

Each of BFN's three nuclear units is a General Electric boiling-water reactor that produces steam to turn turbines to generate electricity. The BFN uses a once-through (open-cycle) condenser circulating water system with seven helper cooling towers to dissipate waste heat. Four of the original six cooling towers that serve BFN have undergone replacement, and TVA plans to replace the remaining two towers in fiscal years 2018 and 2019. Additionally, TVA constructed a seventh cooling tower in May 2012 (TVA 2017a).

Wheeler Reservoir serves as the source of water for condenser cooling and for most of BFN's auxiliary water systems. Pumps and related equipment to supply water to plant systems are housed in BFN's intake structure on Wheeler Reservoir. The reservoir is formed by Wheeler Dam, which is owned and operated by TVA, and it extends from Guntersville Dam at TRM 349.0 downstream to Wheeler Dam at TRM 274.9. Wheeler Reservoir has an area of 67,070 ac (27,140 ha) and a volume of 1,050,000 acre-feet (1,233 cubic meters) at its normal summer pool elevation of 556 feet (ft) (169 meters (m)) above mean sea level (TVA 2017a). Water temperature in Wheeler Reservoir naturally varies from around 35 degrees Fahrenheit (°F) (1.6 degrees Celsius (°C)) in January to 88 to 90 °F (31 to 32 °C) in July and August, and temperature patterns near BFN are typically well mixed or exhibit weak thermal stratification (TVA 2017a).

The Alabama Department of Environmental Management (ADEM) establishes beneficial uses of waters of the State and has classified the majority of the reservoir for use as a public water supply, for recreational use, and as a fish and wildlife resource. The reservoir is currently included on the State of Alabama's Federal Water Pollution Control Act (*i.e.,* Clean Water Act (CWA)) of 1972, as amended, Section 303(d) list of impaired waters as partially supporting its designated uses due to excess nutrients from agricultural sources. Section 303(d) of the CWA requires States to identify all ''impaired'' waters for which effluent limitations and pollution control activities are not sufficient to attain water quality standards. The Section 303(d) list includes those water bodies for which the State is required to develop total maximum pollutant loads (limits) to achieve future compliance with water quality standards and designated uses (ADEM 2016; TVA 2016a).

The BFN intake structure draws water from Wheeler Reservoir at TRM 294.3. The intake forebay includes a 20-feet (6-meters)-high gate structure that can be raised or lowered depending on the operational requirements of the plant. The flow velocity through the openings varies depending on the gate position. When the gates are in a full open position and the plant is operating in either open or helper modes, the average flow velocity through the openings is about 0.2 meters per second (m/s) (0.6 feet per second (fps)) for the operation of one unit, 0.34 m/s (1.1 fps) for the operation of two units, and 0.52 m/s (1.7 fps) for the operation of all three units assuming a water withdrawal rate of approximately 734,000 gallons per minute (gpm) (46.3 cubic meters per second (m^3/s)) per unit, for a total withdrawal of about 2,202,000 gpm (4,906 cubic feet per second (cfs); 138.6 m^3/s) of water for all three units (NRC 2005; TVA 2016b). The BFN's total per-unit condenser circulating water system flow is generally higher than the original design values due to system upgrades that included the refit of the condensers with larger diameter and lower resistance tubes (NRC 2005; TVA 2016a, 2017a).

The TVA maintains a Certificate of Use (Certificate No. 1058.0, issued December 5, 2005) for its surface water withdrawals. The Alabama Department of Economic and Community Affairs, Office of Water Resources issues this certificate to register large water users (*i.e.,* those with a water withdrawal capacity of 100,000 gallons per day (380 cubic meters)) within the State. The TVA periodically notifies the Office of Water Resources of facility data updates and submits annual water use reports for BFN as specified under the Certificate of Use as part of TVA's efforts to voluntarily cooperate with the State of Alabama's water management programs. The TVA most recently submitted an application to renew BFN's Certificate of Use in September 2015. Based on the staff's review of BFN water use reports submitted by TVA to the State for the period of 2011 through 2015, BFN's total water withdrawals from Wheeler Reservoir have averaged 1,848,000 gpm (4,117 cfs; 116.3 m^3/s). For 2015, BFN's total surface water withdrawal rate averaged 1,991,200 gpm (4,437 cfs; 125 m^3/s) (TVA 2016a).

Once withdrawn water has passed through the condensers for cooling, it is discharged back to Wheeler Reservoir via three large submerged diffuser pipes.

The pipes range in diameter from 5.2 to 6.2 m (17 to 20.5 ft) and are perforated to maximize mixing into the water column. Water exits the pipes through 7,800 individual 5-centimeter (2-inch) ports. This straight-through flow path is called ''open mode.'' As originally designed, the maximum thermal discharge back to the reservoir from the once-through condenser circulating water system operated in open mode is 25 °F (13.9 °C) above the intake temperature (NRC 2005). Some of the heated water can also be directed through cooling towers to reduce its temperature, as necessary to comply with State environmental regulations and BFN's ADEM-issued National Pollutant Discharge Elimination System (NPDES) Permit No. AL0022080 (ADEM 2012), in what is called ''helper mode.'' The plant design also allows for a closed mode of operation in which water from the cooling towers is recycled directly back to the intake structure without discharge to the reservoir. However, TVA has not used this mode for many years due to the difficulty in maintaining temperature limits in the summer months (NRC 2005).

To operate BFN, TVA must comply with the CWA, including associated requirements imposed by the State as part of the NPDES permitting system under CWA Section 402. The BFN NPDES permit (ADEM 2012) specifies that at the downstream end of the mixing zone, which lies 2,400 ft (732 m) downstream of the diffusers, operation of the plant shall not cause the:

- Measured 1-hour average temperature to exceed 93 °F (33.9 °C),
- measured daily average temperature to exceed 90 °F (32.2 °C), or
- measured daily average temperature rise relative to ambient to exceed 10 °F (5.6 °C).

In cases where the daily average ambient temperature of the Tennessee River as measured 3.8 mi (6.1 km) upstream of BFN exceeds 90 °F (32.2 °C), the daily average downstream temperature may equal, but not exceed, the upstream value. In connection with such a scenario, if the daily average upstream ambient river temperature begins to cool at a rate of 0.5 °F (0.3 °C) or more per day, the downstream temperature is allowed to exceed the upstream value for that day.

When plant operating conditions create a river temperature approaching one of the NPDES limits specified above, TVA shifts BFN from open mode to helper mode. The three units can be placed in helper mode individually or collectively. Thus, the amount of water diverted to the cooling towers in helper mode depends on the amount of cooling needed for the plant to remain in compliance with the NPDES permit limits. If helper mode operation is not sufficient to avoid the river temperature approaching the NPDES permit limits, TVA reduces (*i.e.,* derates) the thermal power of one or more of the units to maintain regulatory compliance (TVA 2017a).

In support of this license amendment request, TVA performed hydrothermal modeling to evaluate the potential thermal impacts of BFN circulating water discharges to Wheeler Reservoir under EPU conditions. The TVA first modeled the impacts of BFN operations at the current licensed thermal power level (*i.e.,* 105 percent of the original licensed thermal power, or 3,458 MWt). This established the base case for assessing the incremental thermal impacts on receiving waters of BFN operations at 120 percent of the original licensed thermal power under the proposed EPU. These results of TVA's modeling are described later in this EA under ''Cooling Tower Operation and Thermal Discharge.''

Under current operations and based on river flow, meteorological, and ambient river temperature data for the 6-year period 2007 through 2012, the modeling results indicate that the temperature of water exiting the diffusers and entering Wheeler Reservoir is an average of 86.9 °F (30.5 °C) during warm summer conditions. The river temperature at the NPDES compliance depth at the downstream end of the mixing zone is an average of 70.8 °F (21.6 °C) with a 1-hour average temperature maximum of 92.1 °F (33.4 °C) and a daily average temperature maximum of 89.4 °F (31.9 °C). On average, TVA operates the cooling towers 66 days per year. TVA derates BFN approximately 1 in every 6 summers for a maximum of 185 hours in order to maintain compliance with the NPDES permit (TVA 2016a). More recently, for the period 2011 through 2015, TVA operated BFN's cooling towers an average of 73 days per year and had incurred derates during two of the years (2011 and 2015) (TVA 2016a).

The BFN site, plant operations, and environs are described in greater detail in Chapter 2 of the NRC's June 2005 NUREG–1437, Supplement 21, Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Browns Ferry Nuclear Plant, Units 1, 2, and 3—Final Report (herein referred to as ''BFN FSEIS'') (NRC 2005). Updated information that pertains to the plant site and environs and that is relevant to the assessment of the environmental impacts of the proposed EPU is included throughout this draft EA, as appropriate.

Power Uprate History

The BFN units were originally licensed to operate in 1973 (Unit 1), 1974 (Unit 2), and 1976 (Unit 3) at 3,293 MWt per unit. In 1997, TVA submitted a license amendment request to the NRC for a stretch power uprate (SPU) to increase the thermal output of Units 2 and 3 by 5 percent (to 3,458 MWt per unit). The NRC prepared an EA and FONSI for the SPU, which was published in the FR on September 1, 1998 (NRC 1998, 63 FR 46491), and the NRC subsequently issued the amendments later that month.

In June 2004, TVA submitted license amendment requests for uprates at all three units (TVA 2004a, 2004b). The TVA requested a 15 percent EPU at Units 2 and 3 and a 20 percent EPU at Unit 1 such that if the proposed EPU was granted, each unit would operate at 3,952 MWt (120 percent of the original licensed power level). In September 2006, TVA submitted a supplement to the EPU application that requested interim operation of Unit 1 at 3,458 MWt (the Units 2 and 3 SPU power level) (TVA 2006). The NRC prepared a draft EA and FONSI, which were published for public comment in the **Federal Register** on November 6, 2006 (NRC 2006b, 71 FR 65009). The draft EA and FONSI addressed the impacts of operating all three BFN units at EPU levels. The NRC received comments from TVA and the U.S. Fish and Wildlife Service (FWS), which the staff addressed in the NRC's final EA and FONSI dated February 12, 2007 (NRC 2007a, 72 FR 6612). The NRC issued an amendment approving the SPU for Unit 1 in March 2007 (NRC 2007b); the staff's 2007 final EPU EA was used to support the SPU. Subsequently, in September 2014, TVA withdrew the 2004 EPU license amendment requests and stated that it would submit a new, consolidated EPU request by October 2015 (TVA 2014a).

Separately, on May 4, 2006, the NRC approved TVA's application for renewal of the BFN operating licenses for an additional 20-year period (NRC 2006a). As part of its environmental review of the license renewal application, the NRC issued the BFN FSEIS (NRC 2005). In the BFN FSEIS, the NRC staff analyzed the environmental impacts of license renewal, the environmental impacts of alternatives to license renewal, and mitigation measures available for reducing or avoiding any adverse impacts. Although the NRC did not evaluate impacts associated specifically with the then-pending EPU

in the BFN FSEIS, it performed an evaluation of the impacts of license renewal assuming that all three BFN units would operate at the EPU level of 3,952 MWt during the 20-year period of extended operations.

Description of the Proposed Action

The proposed action is the NRC's issuance of amendments to the BFN operating licenses that would increase the maximum licensed thermal power level for each reactor from 3,458 MWt to 3,952 MWt. This change, referred to as an EPU, represents an increase of approximately 14.3 percent above the current licensed thermal power level and would result in BFN operating at 120 percent of the original licensed thermal power level (3,293 MWt). The proposed action is in accordance with TVA's application dated September 21, 2015 (TVA 2015a) as supplemented by numerous letters, including seven letters that affected the EA, dated November 13, 2015 (TVA 2015b), December 15, 2015 (TVA 2015c), December 18, 2015 (TVA 2015d), April 22, 2016 (TVA 2016a), May 27, 2016 (TVA 2016b), January 20, 2017 (TVA 2017b), and February 3, 2017 (TVA 2017c). A full list of TVA's EPU application supplements may be found in the NRC staff's safety evaluation and **Federal Register** notice regarding the EPU request, which will be issued with the license amendment, if granted.

Plant Modifications and Upgrades

An EPU usually requires significant modifications to major balance-of-plant equipment. The proposed EPU for BFN would require the modifications described in Attachment 47 to the licensee's application entitled ''List and Status of Plant Modifications, Revision 1'' (TVA 2017d), which include replacement of the steam dryers, replacement of the high pressure turbine rotors, replacement of reactor feedwater pumps, installation of higher capacity condensate booster pumps and motors, modifications to the condensate demineralizer system, modifications to the feedwater heaters, and upgrade of miscellaneous instrumentation, setpoint changes, and software modifications.

All onsite modifications associated with the proposed action would be within the existing structures, buildings, and fenced equipment yards. All deliveries of materials to support EPU-related modifications and upgrades would be by truck, and equipment and materials would be temporarily stored in existing storage buildings and laydown areas. The TVA anticipates no changes in existing onsite land uses or disturbance of previously undisturbed onsite land (TVA 2017a).

According to TVA's current schedule, modifications and upgrades related to the proposed EPU would be completed at Unit 1 during the fall 2018 refueling outage, at Unit 2 during the spring 2019 outage, and at Unit 3 during the spring 2018 outage. If the NRC approves the proposed EPU, TVA would begin operating each unit at the uprated power level following these outages.

Cooling Tower Operation and Thermal Discharge

Operating BFN at the EPU power level of 3,952 MWt per unit would increase the steam flow to the plant's steam turbines, which would in turn increase the amount of waste heat that must be dissipated. The TVA would increase its use of the cooling towers (*i.e.,* operate in helper mode) to dissipate some of this additional heat; the remaining heat would be discharged to Wheeler Reservoir. If helper mode operation were to be insufficient to keep the reservoir temperatures within BFN's NPDES permit limits, TVA would reduce (*i.e.,* derate) the thermal power of one or more of the units to maintain regulatory compliance, a practice which TVA currently employs at BFN as necessary. Currently, TVA personnel examine forecast conditions for up to a week or more into the future and determine when and for how long TVA might need to operate BFN in helper mode operation and/or derate the BFN units to ensure compliance with the NPDES permit. The TVA would maintain this process under EPU conditions.

The TVA simulated possible future discharge scenarios under EPU conditions using river flows and meteorological data for the 6-year period 2007 through 2012. This period included the warmest summer of record (2010) as well as periods of extreme drought conditions (2007 and 2008). For years with warm summers, TVA predicts that the temperature of water exiting the diffusers and entering Wheeler Reservoir (assuming all BFN units are operating at the full EPU power level) would be 2.6 °F (1.4 °C) warmer on average than current operations. The river temperature at the NPDES compliance depth at the downstream end of the mixing zone would be 0.6 °F (0.3 °C) warmer on average. The TVA predicts that it would operate the cooling towers in helper mode an additional 22 days per year on average (88 days total) and that the most extreme years could result in an additional 39 days per year of cooling tower helper mode operation (121 days total).

Transmission System Upgrades

The EPU would require several upgrades to the transmission system and the BFN main generator excitation system to ensure transmission system stability at EPU power levels. The TVA performed a Revised Interconnection System Impact Study in January 2017, which determined that the EPU would require the following transmission upgrades: (1) Replacement of six 500-kilovolt (kV) breaker failure relays, (2) installation of a minimum of 764 megavolt-ampere reactive (MVAR) of reactive compensation in five locations throughout the TVA transmission system, and (3) modification of the excitation system of all three BFN main generators (TVA 2017e, 2017f). These upgrades are described in more detail in the following subsections.

Breaker Failure Relay Replacements

The TVA would replace the 500-kV breaker failure relays at BFN for breakers 5204, 5208, 5254, 5258, 5274, and 5278 to mitigate potential transmission system issues resulting from specific fault events on the transmission system. The relays are located in panels in the relay room inside the BFN control building, and physical work would be limited to this area. The TVA would complete the breaker failure relay replacements prior to spring 2018 (TVA 2017c, 2017d).

MVAR Reactive Compensation

The TVA would install a minimum of 764 MVAR of reactive compensation in five locations throughout TVA service area to address MVAR deficiencies associated with the additional power generation that would occur at EPU power levels. The reactive compensation would consist of an SVC installation at one substation and multiple capacitor bank installations at four separate substations. The SVC installation would address both the MVAR deficiency and transient stability issues and would be installed at the Limestone 500-kV Substation in Limestone County, Alabama. The TVA would install capacitor banks at the Clayton Village 161-kV Substation in Oktibbeha County, Mississippi; the Holly Springs 161-kV Substation in Marshall County, Mississippi; the Corinth 161-kV Substation in Alcorn County, Mississippi; and the East Point 500-kV Substation (161-kV line) in Cullman County, Alabama. The SVC installation and the Holly Springs and Corinth capacitor bank installations would require expansion of the existing

substation footprints and additional land grading and clearing. The remaining two capacitor bank installations (Clayton Village and East Point substations) would be within existing substation boundaries. The TVA expects to disturb approximately 25 ac (10 ha) of previously disturbed TVA-owned land for the SVC installation at the Limestone Substation. The TVA expects to purchase approximately 2.5 ac (1 ha) of land and disturb 2.25 ac (0.9 ha) of land for the Holly Springs Substation expansion. For the Corinth Substation expansion, TVA would purchase 3.5 ac (1.4 ha) of land and disturb 3 ac (1.2 ha) of land. The TVA would complete the SVC and capacitor bank installations by spring 2020, although TVA's transmission system operator does not preclude BFN from operating at EPU levels during the capacitor bank installations (TVA 2017a, 2017c, 2017d, 2017e).

BFN Main Generator Excitation System Modifications

The TVA would modify the BFN main generator Alterrex excitation system for all three units with a bus-fed static excitation system consisting of a 3-phase power potential transformer, an automatic voltage regulator, and a power section. Physical work to complete these modifications would be performed within existing BFN structures and would not involve any previously undisturbed land. The TVA is in the preliminary phase of the design change notice development for these modifications; therefore, TVA has not yet developed a specific timeline for implementation of the main generator excitation system modifications. However, TVA projects that these upgrades would be completed by 2020 (Unit 1), 2021 (Unit 2), and 2020 (Unit 3) (TVA 2017c, 2017d).

The Need for the Proposed Action

As stated by the licensee in its application, the proposed action would allow TVA to meet the increasing power demand forecasted in TVA service area. The TVA estimates that energy consumption in this area will increase at a compound annual growth rate of 1.2 percent until 2020 with additional moderate growth continuing after 2020.

Environmental Impacts of the Proposed Action

This section addresses the radiological and non-radiological impacts of the proposed EPU. Separate from this EA, the NRC staff is evaluating the potential radiological consequences of an accident that may result from the proposed action. The EPU would not be approved unless the NRC staff's safety analysis determines that the radiological doses under EPU postulated accident conditions are within the regulatory limits found in 10 CFR 50.67. Accordingly, the NRC staff concludes that the radiological impacts of accidents following the EPU would not be significant. The results of the NRC staff's safety analysis will be documented in a safety evaluation, which will be issued with the license amendment package approving the license amendment, if granted.

Radiological Impacts

Radioactive Gaseous and Liquid Effluents and Solid Waste

The BFN's waste treatment systems collect, process, recycle, and dispose of gaseous, liquid, and solid wastes that contain radioactive material in a safe and controlled manner within the NRC and U.S. Environmental Protection Agency (EPA) radiation safety standards. As discussed below, although there may be a small increase in the volume of radioactive waste and spent fuel, the proposed EPU would not result in changes in the operation or design of equipment in the gaseous, liquid, or solid waste systems.

Radioactive Gaseous Effluents

The Gaseous Waste Management System manages radioactive gases generated during the nuclear fission process. Radioactive gaseous wastes are principally activation gases and fission product radioactive noble gases resulting from process operations. The licensee's evaluation submitted as part of TVA's EPU application determined that implementation of the proposed EPU would not significantly increase the inventory of carrier gases normally processed in the Gaseous Waste Management System since plant system functions are not changing and the volume inputs remain the same. The analysis showed that the proposed EPU would result in an increase in radioiodines by approximately 5 percent and an increase in particulates by approximately 13 percent. The expected increase in tritium is linear with the proposed power level increase and is, therefore, estimated to increase by approximately 15 percent (TVA 2017a).

The licensee's evaluation (TVA 2017a) concluded that the proposed EPU would not change the radioactive gaseous waste system's design function and reliability to safely control and process waste. The projected gaseous release following implementation of the EPU would remain bounded by the values given in the BFN FSEIS. The existing equipment and plant procedures that control radioactive releases to the environment would continue to be used to maintain radioactive gaseous releases within the dose limits of 10 CFR 20.1302 and the as low as is reasonably achievable (ALARA) dose objectives in Appendix I to 10 CFR part 50. The NRC staff reviewed the last five years of effluent release data from BFN (TVA 2012, 2013, 2014b, 2015e, 2016c) and found the reported doses from gaseous effluents to be less than 1 percent of the allowable limits for current operations. Therefore, the NRC staff concludes that the increase in offsite dose due to gaseous effluent release following implementation of the EPU would not be significant.

Radioactive Liquid Effluents

The Liquid Waste Management System collects, processes, and prepares radioactive liquid waste for disposal. During normal operation, the liquid effluent treatment systems process and control the release of liquid radioactive effluents to the environment such that the doses to individuals offsite are maintained within the limits of 10 CFR part 20 and 10 CFR part 50, appendix I. The Liquid Waste Management System is designed to process the waste and then recycle it within the plant as condensate, reprocess it through the radioactive waste system for further purification, or discharge it to the environment as liquid radioactive waste effluent in accordance with State and Federal regulations. The licensee's evaluation (TVA 2017a) shows that implementation of the proposed EPU would increase the volume of liquid waste effluents by approximately 3.44 percent due to increased flow in the condensate demineralizers requiring more frequent backwashes. The current Liquid Waste Management System would be able to process the 3.44 percent increase in the total volume of liquid radioactive waste without any modifications. The licensee's evaluation determined that implementation of the proposed EPU would result in an increase in reactor coolant inventory of radioiodines of approximately 5 percent and an increase in radionuclides with long half-lives of approximately 13 percent. The expected increase in tritium is linear with the proposed power level increase and is, therefore, estimated to increase by 15 percent (TVA 2017a).

Since the composition of the radioactive material in the waste and the volume of radioactive material processed through the system are not expected to significantly change, the

current design and operation of the Liquid Waste Management System would accommodate the effects of the proposed EPU. The projected liquid effluent release following the EPU would remain bounded by the values given in the BFN FSEIS. The existing equipment and plant procedures that control radioactive releases to the environment would continue to be used to maintain radioactive liquid releases within the dose limits of 10 CFR 20.1302 and ALARA dose standards in appendix I to 10 CFR part 50. The NRC staff reviewed the last 5 years of effluent release data from BFN (TVA 2012, 2013, 2014b, 2015e, 2016c) and found the reported doses from liquid effluents to be less than 1 percent of the allowable limits for current operations. Therefore, the NRC staff concludes that there would not be a significant environmental impact from the additional volume of liquid radioactive waste generated following EPU implementation.

Solid Low-Level Radioactive Waste

Radioactive solid wastes at BFN include solids from reactor coolant systems, solids in contact with liquids or gases from reactor coolant systems, and solids used in support of reactor coolant systems operation. The licensee evaluated the potential effects of the proposed EPU on the Solid Waste Management System. The low-level radioactive waste (LLRW) consists of resins, filters and evaporator bottoms, dry active waste, irradiated components, and other waste (combined packages). The majority of BFN solid LLRW is shipped offsite as dry active waste. This LLRW is generated from outages, special projects and normal BFN operations. Normal operations at BFN are also a contributor to solid LLRW shipments due to system cleanup activities. This is due to resins from six waste phase separators and three reactor water cleanup phase separators. The licensee states (TVA 2017a) that BFN has approximately 29 spent resin shipments per year. The licensee's evaluation determined that implementation of the proposed EPU would result in an increase in activity of the solid wastes proportionate to an increase of 5 to 13 percent in the activity of long-lived radionuclides in the reactor coolant. The results of the licensee's evaluation also determined that the proposed EPU would result in a 15 percent increase in the total volume of solid waste generated for shipment offsite.

Since the composition and volume of the radioactive material in the solid wastes are not expected to significantly change, they can be handled by the current Solid Waste Management System without modification. The equipment is designed and operated to process the waste into a form that minimizes potential harm to the workers and the environment. Waste processing areas are monitored for radiation, and there are safety features to ensure worker doses are maintained within regulatory limits. The proposed EPU would not generate a new type of waste or create a new waste stream. Therefore, the NRC staff concludes that the impact from the proposed EPU on the management of radioactive solid waste would not be significant.

Occupational Radiation Dose at EPU Conditions

The licensee states (TVA 2017a) that in-plant radiation sources are expected to increase approximately linearly with the proposed increase in core power level of approximately 15 percent. To protect the workers, the BFN Radiation Protection Program monitors radiation levels throughout the plant to establish appropriate work controls, training, temporary shielding, and protective equipment requirements to minimize worker doses and to ensure that worker doses are within the limits of 10 CFR 20.1201.

Plant shielding is designed to provide for personnel access to the plant to perform maintenance and carry out operational duties with minimal personnel exposures. In-plant radiation levels and associated doses are controlled by the BFN Radiation Protection Program to ensure that internal and external radiation exposures to station personnel, and the general population exposure level, would be ALARA, as required by 10 CFR part 20. Access to radiation areas is strictly controlled by existing Radiation Protection Program procedures. Furthermore, TVA states that its policy is to maintain occupational doses to individuals and the sum of dose equivalents received by all exposed workers ALARA.

Based on the above, the NRC staff concludes that the proposed EPU is not expected to significantly affect radiation levels within BFN and, therefore, there would not be a significant radiological impact to the workers.

Offsite Doses at EPU Conditions

The primary sources of offsite dose to members of the public from BFN are radioactive gaseous releases, liquid effluents, and skyshine from Nitrogen-16 (N-16). As previously discussed, operation under proposed EPU conditions would not change the radioactive waste management systems' abilities to perform their intended functions. Also, there would be no change to the radiation monitoring system and procedures used to control the release of radioactive effluents in accordance with NRC radiation protection standards in 10 CFR part 20 and appendix I to 10 CFR part 50.

The licensee states (TVA 2016a) that the contribution of radiation shine from the implementation of the proposed EPU from N-16 would increase linearly with the EPU. The licensee estimates that this increase could result in offsite doses up to 32 percent greater than current operating levels. However, since current offsite doses due to N-16 skyshine are on average less than 1 millirem, doses would still be well within the 10 CFR 20.1301 and 40 CFR part 190 dose limits to members of the public following implementation of the proposed EPU. Further, any increase in radiation would be monitored at the on-site environmental thermoluminescent dosimeter stations at BFN to make sure offsite doses would remain in regulatory compliance (TVA 2017a).

Based on the above, the NRC staff concludes that the impact of offsite radiation dose to members of the public at EPU conditions would continue to be within the NRC and EPA regulatory limits and would not be significant.

Spent Nuclear Fuel

Spent fuel from BFN is stored in the plant's spent fuel pool and in dry casks in the independent spent fuel storage installation (ISFSI). The licensee estimates that the impact on spent fuel storage from operating at EPU conditions would increase the number of dry storage casks necessary for storage by approximately 19 percent. The licensee also states that the current ISFSI storage pad is projected to be filled on or before 2022 prior to being loaded with EPU fuel. An additional storage pad is anticipated to be required even if no EPU is approved. Since BFN's initial ISFSI plans included sufficient room for any necessary ISFSI expansion, the additional dry casks necessary for spent fuel storage at EPU levels can be safely accommodated on site and, therefore, would not have any significant environmental impact (TVA 2017a).

Approval of the proposed EPU would not increase the maximum fuel enrichment above 5 percent by weight uranium-235. The average fuel assembly discharge burnup for the proposed EPU is not expected to exceed the maximum fuel rod burnup limit of 62,000 megawatt days per metric ton of uranium. The licensee's fuel reload design goals would maintain the fuel

cycles within the limits bounded by the impacts analyzed in 10 CFR part 51, Table S–3, ''Table of Uranium Fuel Cycle Environmental Data,'' and Table S–4, ''Environmental Impact of Transportation of Fuel and Waste to and from One Light Water-Cooled Nuclear Power Reactor,'' as supplemented by the findings documented in Section 6.3, ''Transportation,'' Table 9.1, ''Summary of findings on NEPA [National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*)] issues for license renewal of nuclear power plants'' in NRC (1999). Therefore, the NRC staff concludes that the environmental impacts of the EPU would remain bounded by the impacts in Tables S–3 and S–4, and would not be significant.

Postulated Accident Doses

As a result of implementation of the proposed EPU, there would be an increase in the source term used in the evaluation of some of the postulated accidents in the BFN FSEIS. The inventory of radionuclides in the reactor core is dependent upon power level; therefore, the core inventory of radionuclides could increase by as much as approximately 15 percent. The concentration of radionuclides in the reactor coolant may also increase by as much as approximately 15 percent; however, this concentration is limited by the BFN Technical Specifications. Therefore, the reactor coolant concentration of radionuclides would not be expected to increase significantly. This coolant concentration is part of the source term considered in some of the postulated accident analyses. Some of the radioactive waste streams and storage systems evaluated for postulated accidents may contain slightly higher quantities of radionuclides (TVA 2017a).

In 2002, TVA requested license amendments to allow the use of Alternate Source Term (AST) methodology for design basis accident analyses for BFN. The TVA conducted full-scope AST analyses, which considered the core isotopic values for the current and future vendor products under EPU conditions. The TVA concluded that the calculated post-accident offsite doses for the EPU using AST methodologies meet all the applicable acceptance criteria of 10 CFR 50.67 and NRC Regulatory Guide 1.183, ''Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors'' (NRC 2000). The NRC approved BFN's AST license amendments in a letter to TVA dated September 27, 2004 (NRC 2004b).

The NRC staff is reviewing the licensee's analyses for EPU operations to verify the acceptability of the licensee's calculated doses under accident conditions. The results of the NRC staff's analyses will be presented in the safety evaluation to be issued with the license amendment, if approved, and the EPU would not be approved by NRC unless the NRC staff's independent review of dose calculations under postulated accident conditions determines that doses are within the regulatory limits found in 10 CFR 50.67. Therefore, the NRC staff concludes that the EPU would not significantly increase the consequences of accidents and would not result in a significant increase in the radiological environmental impact of BFN from postulated accidents.

Radiological Impacts Summary

The proposed EPU would not significantly increase the consequences of accidents, would not result in a significant increase in occupational or public radiation exposure, and would not result in significant additional fuel cycle environmental impacts. Accordingly, the NRC staff concludes that there would be no significant radiological environmental impacts associated with the proposed action.

Non-Radiological Impacts

Land Use Impacts

The potential impacts associated with land use for the proposed action include effects from onsite EPU-related modifications and upgrades that would take place between spring 2018 and spring 2019 and impacts of the transmission system upgrades previously described in the ''Description of the Proposed Action'' section of this document.

The onsite plant modifications and upgrades would occur within existing structures, buildings, and fenced equipment yards and would use existing parking lots, road access, lay-down areas, offices, workshops, warehouses, and restrooms in previously developed areas of the BFN site. Thus, existing onsite land uses would not be affected by onsite plant modifications and upgrades (TVA 2017a).

Regarding transmission system upgrades, the breaker failure relay replacements and BFN main generator excitation system modifications would occur within existing BFN structures and would not involve any previously undisturbed land. The MVAR reactive compensation, consisting of SVC and capacitor bank installations, would occur at five offsite locations throughout TVA service area as described previously. Two of the capacitor bank installations would be within existing substation boundaries and would, therefore, not affect any previously undisturbed land or alter existing land uses (TVA 2017e). The remaining two capacitor bank installations and the SVC installation would require expansion of the existing substation footprints and would require additional grading and clearing (TVA 2017e, 2017f). The TVA expects that the expansions would disturb 2.25 ac (0.9 ha), 3 ac (1.2 ha), and 25 ac (10 ha) of land at the Holly Springs, Corinth, and Limestone substations, respectively (TVA 2017e, 2017f). The affected land currently contains terrestrial habitat or other semi-maintained natural areas, but none of the three land parcels contain wetlands, ecologically sensitive or important habitats, prime or unique farmland, scenic areas, wildlife management areas, recreational areas, greenways, or trails. The TVA would implement Best Management Practices (BMPs) to minimize the duration of soil exposure during clearing, grading, and construction (TVA 2017e, 2017f). The TVA would also revegetate and mulch the disturbed areas as soon as practicable after each disturbance (TVA 2017e, 2017f). The NRC staff did not identify any significant environmental impacts related to altering land uses within the relatively small parcels of land required for the SVC and capacitor bank installations.

Following the necessary plant modifications and transmission system upgrades, operation of BFN at the EPU power level would not affect onsite or offsite land uses.

The NRC staff concludes that the proposed EPU would not result in significant impacts on onsite or offsite land use.

Visual Resource Impacts

No residential homes occur within foreground viewing distance of the BFN site to the north and east. A small residential development located to the northwest and another residential development located across Wheeler Reservoir to the southwest have at least partial views of the BFN site. Additionally, the site can be seen from the Mallard Creek public use area directly across the reservoir. Two earthen berms lie adjacent to the cooling tower complex that block views of the northern and eastern plant areas. The berms, as well as portions of the cooling tower complex, are visible to motorists traveling on Shaw Road (TVA 2016a).

Plant modifications and upgrades associated with the proposed EPU are

unlikely to result in additional visual resource impacts beyond those already occurring from ongoing operation of BFN for several reasons. First, the BFN site is already an industrial-use site. Therefore, the short-term, intensified use of the site that would be required to implement EPU-related modifications and upgrades is unlikely to be noticeable to members of the public within the site's viewshed. Second, TVA would implement all EPU-related modifications and upgrades during scheduled refueling outages when additional machinery and heightened activity would already be occurring on the site. Accordingly, the NRC staff does not expect that EPU-related modifications and upgrades would result in significant impacts to visual resources.

Regarding transmission system upgrades, the breaker failure relay replacements and BFN main generator excitation system modifications would occur within existing BFN structures and thus would not result in visual impacts. The SVC and capacitor bank installations would result in short-term visual impacts at the three sites for which substation expansion would be required. However, these areas are industrial-use sites, and use of machinery and equipment for ongoing maintenance and upgrades is common.

Following the necessary plant modifications and transmission system upgrades, operation of BFN at the EPU power level would not significantly affect visual resources. The TVA estimates that the EPU would require cooling tower operation 22 more days per year on average, which would increase the number of days in which a plume would be visible. However, given that the cooling towers are already operated intermittently, the additional use of the cooling towers following the EPU would not result in significantly different visual impacts than those experienced during current operations.

The NRC staff concludes that the temporary visual impacts during implementation of EPU modifications and upgrades at the BFN site, and near substations affected by the SVC and capacitor bank installations, would be minor and of short duration, and would not result in significant impacts to visual resources. The additional cooling tower operation following implementation of the EPU would also result in minor and insignificant visual impacts.

Air Quality Impacts

Onsite non-radioactive air emissions from BFN result primarily from operation of the emergency diesel generators. Emissions occur when these generators are tested or are used to supply backup power. The TVA (2016a) does not anticipate an increase in use of the emergency diesel generators as a result of the proposed EPU, nor is it planning to increase the frequency or duration of the emergency diesel generator surveillance testing. Additionally, TVA (2017a) maintains a Synthetic Minor Source Air Operating Permit for its diesel generators, issued and enforced by the ADEM, and TVA would continue to comply with the requirements of this permit under EPU conditions. Accordingly, the NRC staff does not expect that onsite emission sources attributable to the EPU would result in significant impacts to air quality.

Offsite non-radioactive emissions related to the proposed EPU would result primarily from personal vehicles of EPU-related workforce members driving to and from the site and from work vehicles delivering supplies and equipment to the site. The TVA (2017a) estimates that of the additional workers that would be present on the site during each of the refueling outages, 80 to 120 workers or less would be dedicated to implementing EPU-related modifications and upgrades. The TVA (2016a) generally ramps up outage staffing two to three weeks prior to the outage start and ramps down staffing beginning 21 to 28 days from the start of the outage. Major equipment and materials to support the EPU-related modifications and upgrades would be transported to the site well before the start of each outage period, and smaller EPU supplies will be delivered on trucks that routinely supply similar tools and materials to support BFN operations (TVA 2017a). The SVC and capacitor bank installations associated with the proposed EPU would result in additional minor air quality impacts from construction vehicle emissions and fugitive dust from ground disturbance and vehicle travel on unpaved roads (TVA 2017e, 2017f). These impacts would be temporary and controlled through TVA's BMPs (TVA 2017e, 2017f).

Following the necessary plant modifications and transmission system upgrades, operation at EPU levels would result in no additional air emissions as compared to operations at the current licensed power levels.

The NRC staff concludes that the temporary increase in air emissions during implementation of EPU modifications and upgrades and SVC and capacitor bank installations would be minor and of short duration, and would not result in significant impacts to air quality.

Noise Impacts

The potential noise impacts related to the proposed action would be primarily confined to those resulting from the use of construction equipment and machinery during the EPU outage periods. However, implementation of EPU-related modifications and upgrades during these periods is unlikely to result in additional noise impacts beyond those already occurring from ongoing operation because the BFN site is already an industrial-use site and because TVA would implement all EPU-related modifications and upgrades during scheduled refueling outages when additional machinery and heightened activity would already be occurring on the site. Accordingly, the NRC staff does not expect that EPU-related modifications and upgrades would result in significant noise impacts.

Regarding transmission system upgrades, the breaker failure relay replacements and BFN main generator excitation system modifications would occur within existing BFN structures, and would, therefore, not result in noise impacts. The SVC and capacitor bank installations would result in short-term and temporary noise impacts associated with construction equipment and machinery use at the three sites for which substation expansion would be required. However, these areas are industrial-use sites, and periodic noise impacts associated with ongoing maintenance and upgrades are common.

Following the EPU outages, operation of BFN at EPU levels would result in an average of 22 additional days per year of cooling tower operation, which would slightly increase the duration for which residents nearest the BFN site would experience cooling tower-related noise during the warmer months. The NRC staff reviewed information submitted by TVA (2017a) regarding an environmental sound pressure level assessment performed at the BFN site in 2012. The assessment found that background noise levels without cooling tower operation was 59.7 decibels A-weighted scale (dBA), and that the noise levels with operation of six of the seven cooling towers was 61.9 dBA, an increase of 2.2 dBA. The TVA compared this level with the Federal Interagency Committee on Noise's (FICON) recommendation that a 3-dBA increase in noise indicates a possible impact and the need for further analysis. Based on this criterion, TVA determined that the noise level emitted by operation of the cooling towers is acceptable.

Additionally, TVA (2016a) is planning to conduct additional sound monitoring following the replacement of Cooling Towers 1 and 2, which are scheduled for replacement in fiscal years 2018 and FY 2019. The TVA will continue to meet FICON guidelines by working with the cooling tower vendor to ensure noise attenuating features, such as low-noise fans, lower speed fans, and sound attenuators, are incorporated as required to meet the guidelines. In the event that TVA (2016a) finds that the resulting noise levels exceed the FICON guidelines, TVA would develop and implement additional acoustical mitigation, such as modifications to fans and motors or the installation of barriers. The TVA will also continue to comply with Occupational Safety and Health Administration (OSHA) regulations to protect worker health onsite.

The NRC staff concludes that the implementation of EPU modifications and upgrades, the capacitor bank installations, and additional operation of the cooling towers following implementation of the EPU would not result in significant noise impacts. Additionally, TVA would continue to comply with FICON guidelines and OSHA regulations regarding noise impacts, which would further ensure that future cooling tower operation would not result in significant impacts on the acoustic environment and human health.

Water Resources Impacts

As previously described, EPU-related modifications at BFN to include replacement and upgrades of plant equipment would occur within existing structures, buildings, and fenced equipment yards. The TVA does not expect any impact on previously undisturbed land at the BFN site. Any ground-disturbing activity would be subject to BFN's BMP Plan, which TVA must maintain as a condition of the BFN NPDES permit (ADEM 2012). The TVA must implement and maintain the BMP Plan to prevent or minimize the potential for the release of pollutants in site runoff, spills, and leaks to waters of the State from site activities and operational areas. Consequently, the NRC staff concludes that onsite EPU activities at BFN would have no significant effect on surface water runoff and no impact on surface water or groundwater quality.

Implementation of the EPU would also require upgrades to TVA's transmission system, including installation of a minimum of 764 MVAR reactive compensation, consisting of an SVC installation and four capacitor bank installations at five sites throughout TVA service area (see ''MVAR Reactive Compensation'' under ''Description of the Proposed Action''). At two of the substations (Clayton Village and East Point substations), new equipment installation would take place outdoors but within the confines of existing substation enclosures with ground disturbance limited to previously disturbed areas. As appropriate, TVA would use standard BMPs to minimize any potential impacts to surface water and groundwater. The TVA's BMPs address preventive measures such as use of proper containment, treatment, and disposal of wastewaters, stormwater runoff, wastes, and other potential pollutants. The BMPs would also address soil erosion and sediment control and prevention and response to spills and leaks from construction equipment that could potentially runoff or infiltrate to underlying groundwater. After installation, the SVC and capacitor banks would result in no industrial wastewater discharges (TVA 2017e, 2017f). Therefore, there would be no operational impact on water resources.

The SVC and capacitor installation work at three substations (Holly Springs and Corinth in Mississippi and Limestone in Alabama) would require expansion of the existing substation footprints and additional grading and clearing. Projected new ground disturbance for these substation expansions would range from approximately 2.25 ac (0.9 ha) of land for the Holly Springs, Mississippi Substation to 25 ac (10 ha) at the Limestone, Alabama Substation. The substation expansion projects would have no impact on perennial surface water features. At the Holly Springs substation, TVA identified an ephemeral stream that may lie within the expansion footprint. The TVA also identified three wet weather conveyances or ephemeral streams that may lie within the expansion footprint of the Limestone Substation. A review of site-specific information submitted by TVA for the expansion of the Limestone Substation, including available mapping information and photography, indicates that the three features may be headwater tributaries to nearby Limestone Creek. The information also suggests that the three surface water features have likely been channelized and or otherwise altered due to historic agricultural activity in the area. Regardless, adherence by TVA to project specifications and application of appropriate BMPs would ensure that there would be no impacts to offsite hydrologic features or conditions, including Limestone Creek near the Limestone Substation. Further, TVA would avoid any karst features (*e.g.,* springs and sinkholes) that may lie in the expansion area for the Limestone Substation during construction. The TVA would conduct all construction activities in accordance with standard BMPs as previously described and would perform specific work elements as further discussed below (TVA 2017e, 2017f).

To support substation expansion work, water would be required for such uses as potable and sanitary use by the construction workforce and for concrete production, equipment washdown, dust suppression, and soil compaction. The NRC staff assumes that the modest volumes of water needed would be supplied from local sources and transported to the work sites. Use of portable sanitary facilities, typically serviced offsite by a commercial contractor, would serve to reduce the volume of water required to meet the sanitary needs of the construction workforce.

The TVA would obtain any necessary construction fill material from an approved borrow pit, and TVA would place any spoils generated from site grading, trenching, or other excavation work in a permitted spoil area on the substation property, or the material would be spread or graded across the site. Areas disturbed by construction work and equipment installation would be stabilized by applying new gravel or resurfacing the disturbed areas (TVA 2017e, 2017f). Consequently, following the completion of construction, disturbed areas would lie within the expanded substation footprint and would otherwise be overlain by equipment or hard surfaces, would not be subject to long-term soil erosion, and would have little potential to impact surface water or groundwater resources.

The expansion projects at all three substations would also be subject to various permits and approvals, which TVA would obtain. Construction stormwater runoff from land disturbing activities of 1 ac (0.4 ha) or more is subject to regulation in accordance with Section 402 of the CWA. Section 402 establishes the NPDES permit program. Mississippi and Alabama administer these regulatory requirements through State NPDES general permits. Specifically, State construction stormwater general permits will be required for construction activities at the Holly Springs, Corinth, and Limestone substations. For NPDES general permits, permit holders must also develop and implement a Stormwater Pollution Prevention Plan to

ensure the proper design and maintenance of stormwater and soil erosion BMPs to prevent sediment and other pollutants in stormwater discharges and ensure compliance with State water quality standards.

Based on the foregoing, the NRC staff finds that the transmission system upgrades and associated substation expansion projects would have negligible direct impacts on water resources and would otherwise be conducted in accordance with TVA standard BMPs to minimize environmental impacts. The TVA's construction activities would also be subject to regulation under NPDES general permits for stormwater discharges associated with construction activity. Accordingly, the NRC staff concludes that EPU-related transmission system upgrades would not result in significant impacts on surface water or groundwater resources.

The EPU implementation at BFN would result in operational changes with implications for environmental conditions. As further detailed under ''Plant Site and Environs'' of this EA, BFN withdraws surface water from Wheeler Reservoir to supply water for condenser cooling and other in-plant uses. Total water withdrawals by BFN have averaged 1,848,000 gpm (4,117 cfs; 116.3 m/s) over the last 5 years, although the average withdrawal rate in 2015 exceeded the average rate (TVA 2016a). The BFN uses a once-through circulating water system for condenser cooling aided by periodic operation of helper cooling towers. Normally, during once-through (open cycle) operation, BFN returns nearly all of the water it withdraws back to the reservoir, albeit at a higher temperature, through three, submerged diffuser pipes. When necessary throughout the course of the year, BFN's return condenser cooling water is routed through one or more of the helper cooling towers based on the level of cooling needed so that the resulting discharge to the river meets thermal limits as stipulated in TVA's NPDES permit. The TVA may also derate one or more BFN generating units in order to ensure compliance with NPDES thermal limits, as previously described (TVA 2017a).

Following implementation of the EPU, TVA predicts that BFN would need to operate helper cooling towers an additional 22 days per year on average (for a total of 88 days per year) to maintain compliance with NPDES thermal limits, as compared to a projected average of 66 days per year at current power levels (TVA 2016a, 2017a). When helper cooling towers are used, a portion of the water passing through the towers is consumptively used (lost) due to evaporation and cooling tower drift. The results of TVA's hydrothermal modeling, as previously described, indicate that approximately 3 percent of the cooling water flow passed through the helper towers is consumptively used (TVA 2017a). Thus, for an additional 22 days per year on average, BFN's cooling water return flows to Wheeler Reservoir would be reduced by approximately 3 percent following the proposed EPU as compared to current operations. This is a negligible percentage of the total volume of water passing through Wheeler Reservoir and of the volume of water that is otherwise diverted by TVA to meet BFN cooling and other in-plant needs (TVA 2017a).

Operations at EPU power levels would not require any modifications to BFN's circulating water system, residual heat removal service water system, emergency equipment cooling water system, raw cooling water, or raw water systems. Therefore, TVA expects no changes in the volume of water that would be withdrawn from Wheeler Reservoir during operations (TVA 2016a). The EPU operations would result in an increase in the temperature of the condenser cooling water discharged to Wheeler Reservoir. The TVA's hydrothermal modeling predicts that the average temperature of the return discharge through BFN's submerged diffusers would be 2.6 °F (1.4 °C) warmer than under current operations and that the average temperature at the downstream edge of the mixing zone prescribed by BFN's NPDES permit would increase by 0.6 °F (0.3 °C). Nevertheless, these thermal changes would continue to meet BFN's NPDES permit limits, including temperature change limitations within the prescribed mixing zone (TVA 2016a, 2017a). In addition, there would also be no change in the use of cooling water treatment chemicals or other changes in the quality of other effluents discharged to Wheeler Reservoir in conjunction with implementation of the EPU (TVA 2016a).

In summary, implementation of the EPU at BFN and associated operational changes would not affect water availability or impair ambient surface water or groundwater quality. The NRC staff concludes that the proposed EPU would not result in significant impacts on water resources.

Terrestrial Resource Impacts

The BFN site's natural areas include riparian areas, upland forests, and wetlands that have formed on previously disturbed land cleared prior to BFN construction. Onsite plant modifications and upgrades would not disturb these areas because the EPU-related modifications and upgrades would not involve any new construction outside of the existing facility footprint, as previously described under ''Land Use Impacts.'' For this reason, sediment transport and erosion are also not a concern. The modifications and upgrades would result in additional noise and lighting, which could disturb wildlife. However, such impacts would be similar to and indistinguishable from what nearby wildlife already experience during normal operations because the upgrades and modifications would take place during regularly scheduled outages, which are already periods of heightened site activity.

Regarding transmission system upgrades, the breaker failure relay replacements and BFN main generator excitation system modifications would occur within existing BFN structures and would not involve any previously undisturbed land. These upgrades would result in no impacts on terrestrial resources. The SVC and MVAR capacitor bank installations would occur at five offsite locations throughout the TVA service area as described previously. The SVC installation and two of the four capacitor bank installations would require expansion of the existing substation footprints and additional grading and clearing, as described in the ''Land Use Impacts'' section. The affected land currently contains terrestrial habitat or other semi-maintained natural areas, and TVA (2017e, 2017f) reports that all three areas are likely to contain primarily non-native, invasive botanicals. None of the three land parcels contain wetlands, ecologically sensitive or important habitats, prime or unique farmland, scenic areas, wildlife management areas, recreational areas, greenways, or trails. The TVA (2017e, 2017f) also reports that no bird colonies or aggregations of migratory birds have been documented within 3 mi (4.8 km) of the substation footprints. The TVA would implement BMPs to minimize the duration of soil exposure during clearing, grading, and construction (TVA 2017e, 2017f). The TVA would also revegetate and mulch the disturbed areas as soon as practicable after each disturbance, and TVA's landscaping BMPs require revegetation with native plants or non-invasive species (TVA 2017e, 2017f). The NRC staff did not identify any significant environmental impacts to terrestrial resources related to altering land uses within the parcels of land

required for the SVC and capacitor bank installations.

Following the necessary plant modifications and transmission system upgrades, operation at EPU levels would result in no additional or different impacts on terrestrial resources as compared to operations at the current licensed power levels. The NRC assessed the impacts of continued operation of BFN through the period of extended operation in the BFN FSEIS (NRC 2005) and determined that impacts on terrestrial resources would be small (*i.e.,* effects would not be detectable or would be so minor that they would neither destabilize nor noticeably alter any important attribute of the resource).

The NRC staff concludes that the temporary noise and lighting during implementation of EPU modifications and upgrades and small areas of land disturbance associated with the SVC and MVAR capacitor bank installations would be minor and would not result in significant impacts to terrestrial resources.

Aquatic Resource Impacts

Aquatic habitats associated with the site include Wheeler Reservoir and 14 related tributaries, of which Elk River, located 10 mi (16 km) downstream of BFN, is the largest. Onsite plant modifications and upgrades would not affect aquatic resources because EPU-related modifications and upgrades would not involve any new construction outside existing facility footprints and would not result in sedimentation or erosion or any other disturbances that would otherwise affect aquatic habitats.

Regarding transmission system upgrades, the breaker failure relay replacements and BFN main generator excitation system modifications would occur within existing BFN structures and would, therefore, not affect aquatic resources. Although the SVC installation and two of the four MVAR capacitor bank installations would require expansion of existing substation footprints as described previously, TVA (2017e, 2017f) reports that the expansions would not affect the flow, channels, or banks of any nearby streams. As described previously in the ''Water Resource Impacts'' section, the substation expansions would have negligible direct impacts on water resources, and TVA would implement BMPs, as appropriate, and would be subject to regulation under NPDES general permits during any construction activities. Accordingly, the NRC staff did not identify any significant environmental impacts related to aquatic resources with respect to transmission system upgrades.

Following the necessary plant modifications and transmission system upgrades, operation at EPU levels would result in additional thermal discharge to Wheeler Reservoir. As described in the ''Cooling Tower Operation and Thermal Discharge'' and ''Water Resources Impacts'' sections of this document, TVA predicts that the temperature of water entering Wheeler Reservoir would be 2.6 °F (1.4 °C) warmer on average than current operations and that the river temperature at the NPDES compliance depth at the downstream end of the mixing zone would be 0.6 °F (0.3 °C) warmer on average. In the BFN FSEIS, the NRC (2005) evaluated the potential impacts of thermal discharges in Section 4.1.4, ''Heat Shock,'' assuming continued operation at EPU power levels. The NRC (2005) found that the BFN thermal mixing zone constitutes a small percentage of the Wheeler Reservoir surface area, that the maximum temperatures at the edge of the mixing zone do not exceed the upper thermal limits for common aquatic species, and that continued compliance with the facility's NPDES permit would ensure that impacts to aquatic biota are minimized. Since the time the NRC staff performed its license renewal review, the ADEM has issued a renewed BFN NPDES permit. The CWA requires the EPA or States, where delegated, to set thermal discharge variances such that compliance with the NPDES permit assures the protection and propagation of a balanced, indigenous community of shellfish, fish, and wildlife in and on the body of water into which the discharge is made, taking into account the cumulative impact of a facility's thermal discharge together with all other significant impacts on the species affected. Under the proposed action, TVA would remain subject to the limitations set forth in the renewed BFN NPDES permit. The NRC staff finds it reasonable to conclude that TVA's continued compliance with, and the State's continued enforcement of, the BFN NPDES permit would ensure that Wheeler Reservoir aquatic resources are protected.

Regarding impingement and entrainment, in Sections 4.1.2 and 4.1.3 of the BFN FSEIS, the NRC (2005) determined that impingement and entrainment during the period of extended operation would be small. The proposed EPU would not increase the volume or rate of water withdrawal from Wheeler Reservoir and no modifications to the current cooling system design would be required. Thus, the NRC staff finds that the proposed EPU would not change the rate of impingement or entrainment of fish, shellfish, or other aquatic organisms compared to current operations.

Regarding chemical effluents, the types and amounts of effluents would not change under the proposed EPU, and effluent discharges to Wheeler Reservoir would continue to be regulated by the ADEM under the facility's NPDES permit. Thus, the NRC staff concludes that compared to current operations, the proposed EPU would not change the type or concentration of chemical effluents that could impact aquatic resources.

The NRC staff concludes that onsite plant modifications and transmission system upgrades associated with the proposed EPU would not affect aquatic resources. Although operation at EPU levels would increase thermal effluent to Wheeler Reservoir, the NRC staff concludes that any resulting impacts on aquatic resources would not be significant because thermal discharges would remain within the limits imposed by the BFN NPDES permit.

Special Status Species and Habitats Impacts

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (ESA) was enacted to protect and recover imperiled species and the ecosystems on which they depend. Under Section 7 of the ESA, Federal agencies must consult with the FWS or the National Marine Fisheries Service, as appropriate, to ensure that actions the agencies authorize, fund, or carry out are not likely to jeopardize the continued existence of any endangered or threatened species (collectively referred to as ''listed species'') or result in the destruction or adverse modification of critical habitat. This section of the EA describes the ESA action area; considers whether and what listed species or critical habitats may occur in the action area; evaluates the potential effects of the proposed EPU on species in the action area; and makes effect determinations for the identified species.

Concerning listed species and critical habitats that could be affected by the offsite transmission system modifications and upgrades, TVA, as a Federal agency, would be required to conduct ESA Section 7 consultation with the FWS, if necessary, to address any potential impacts that may result from the upgrades prior to undertaking any related work. The NRC has no authority over power transmission systems and no role in permitting any modifications and upgrades to those systems that TVA might undertake.

During its NEPA review associated with the transmission system modifications and upgrades, TVA (2017e, 2017f) determined that no Federally listed species or critical habitats occur near the three substations that would be expanded (Limestone, Holly Springs, and Corinth) and concluded that the expansions would have no effect on Federally listed species and critical habitats. As such, TVA determined that consultation with the FWS for the transmission system modifications and upgrades would not be required. However, if at any point prior to undertaking or during the modifications and upgrades, TVA determines that any listed species are present and that its actions may affect those species, the ESA would require TVA to consult with the FWS. Such consultation, if it occurs, would be between TVA and FWS and would not involve the NRC.

Action Area

The implementing regulations for Section 7(a)(2) of the ESA define ''action area'' as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR 402.02). The action area effectively bounds the analysis of listed species and critical habitats because only species that occur within the action area may be affected by the Federal action.

For the purposes of this ESA analysis, the NRC staff considers the action area for the proposed BFN EPU to be the full bank width of Wheeler Reservoir from the point of water withdrawal downstream to the edge of the mixing zone, which lies 2,400 ft (732 m) downstream of the diffusers. The NRC staff expects all direct and indirect effects of the proposed action to be contained within this area. The NRC staff recognizes that while the action area is stationary, Federally listed species can move in and out of the action area. For instance, a migratory fish species could occur in the action area seasonally as it travels up and down the river past BFN.

The NRC staff does not consider areas affected by the transmission system modifications and upgrades to be part of the action area because TVA, as a Federal agency, would be responsible for consulting with the FWS if TVA were to identity any impacts on Federally listed species or critical habitats that could result from its actions in these areas. The NRC does not have any authority or permitting role related to the transmission system modifications and upgrades and would not be involved in such a consultation, if it were to occur. However, as described above, TVA concluded that the expansions would have no effect on Federally listed species and critical habitats and that consultation with the FWS would not be required. Accordingly, based on the information provided by TVA, the NRC staff concludes that the EPU-related substation modifications and upgrades would not affect any listed species or critical habitats.

Listed Species and Critical Habitats

To determine what Federally listed species and designated critical habitats may occur in the action area, the NRC staff obtained an official species list from the FWS, reviewed information in TVA's EPU application, and considered relevant scientific literature pertaining to species distribution and occurrences, as available. First, to obtain an official species list, the NRC staff conducted a search using the FWS's Environmental Conservation Online System (ECOS) Information for Planning and Conservation (IPaC) system. The resulting species list (FWS 2017) identifies six endangered or threatened species that may occur in the action area (see Table 1). This species list contains less species than the number considered by the NRC staff in the draft version of this EA; footnote (a) in Table 1 explains the staff's basis for reducing the number of species it evaluates in this final EA. No candidate species, proposed species, or proposed or designated critical habitats occur in the action area (FWS 2017).

TABLE 1—FEDERALLY LISTED SPECIES WITH THE POTENTIAL TO OCCUR IN THE BFN EPU ACTION AREA

Species [a]	Common name	Federal status [b]	Known to occur in the vicinity of BFN? [c]
Mammals:			
Myotis grisescens	gray bat	FE	—
Myotis sodalis	Indiana bat	FE	—
Myotis septentrionalis	northern long-eared bat	FT	—
Freshwater Mussels:			
Epioblasma triquetra	snuffbox	FE	—
Lampsilis abrupta	pink mucket	FE	Y
Pleurobema plenum	rough pigtoe	FE	Y

[a] In the draft version of this EA, the NRC (2016a) staff considered 31 listed and candidate terrestrial and aquatic species based on information from the FWS's (2016) ECOS IPaC system. Following issuance of the draft EA, the NRC staff obtained an updated species list (FWS 2017), which contained the six listed species identified in this table. The reduced number of species is a reflection of updates and refinements to the FWS's ECOS IPaC system that now allows users to obtain more site-specific information on listed species distributions near proposed projects. All six species identified in this table appeared in the original list of species (FWS 2016) and were considered by the staff during the development of the draft EA. The updated species list (FWS 2017) does not contain any new species not previously considered by the staff and does not contain any information that would otherwise affect the NRC staff's original ''no effect'' finding for Federally listed species and critical habitats documented in the draft EA.

[b] FE = Federally endangered under the ESA; FT = Federally threatened under the ESA.

[c] Y = yes; — = no. Occurrence information is based on species identified in TVA's (2017a) supplemental environmental report submitted as part of its EPU application as occurring within tributaries to Wheeler Reservoir, within a 10-mi (16-km) radius of BFN, or within the Tennessee River between River Mile 274.9 and 310.7.

Sources: FWS 2017; TVA 2017a.

Second, the NRC staff reviewed information on listed species contained in TVA's EPU application. Since the 1970s, TVA has maintained a Natural Heritage Database that includes data on sensitive species and habitats, including Federally listed species and critical habitats, in TVA's power service area. The TVA's EPU application includes relevant information from its database on listed species and critical habitats that may be affected by the proposed EPU. Finally, the NRC staff searched available scientific literature to determine species distributions and the potential for listed species to occur in the action area. The results of the staff's

review is described below for the species identified in Table 1.

The TVA (2017a) has no records indicating the occurrence of any of the three species of bats identified in Table 1 within 10 mi (16 km) of the BFN site. Section 5.1 of the NRC's (2004a) biological assessment for license renewal states that the BFN site does not provide suitable habitat for Federally listed bats. Additionally, the NRC staff did not identify any ecological studies, reports, or other information that would indicate that any of the three bat species may be present within the action area. Therefore, the NRC staff concludes that the gray (*Myotis grisescens*), Indiana (*M. sodalis*), and northern long-eared (*M. septentrionalis*) bats are unlikely to occur in the action area.

Regarding the three species of freshwater mussels identified in Table 1, TVA (2017a) reports that two of the species—pink mucket (*Lampsilis abrupta*) and rough pigtoe (*Pleurobema plenum*)—have been recorded as occurring within tributaries to Wheeler Reservoir or within the Tennessee River between River Mile 274.9 and 310.7. These species occur in sand, gravel, and cobble substrates in large river habitats within the Tennessee River system. Both species are now extremely rare and are primarily found in unimpounded tributary rivers and in more riverine reaches of the main stem Tennessee River (TVA 2017a). Most of the remaining large river habitat in Wheeler Reservoir occurs upstream of the BFN action area. Section 5.2 of the NRC's (2004a) biological assessment for license renewal describes Tennessee River collection records for the two species, which date back to the late 1990s. Pink mucket and rough pigtoe were collected near Hobbs Island, which lies over 64 km (40 mi) upstream of BFN, in 1998 (Yokely 1998). The TVA (2017a) reports no more recent occurrence records of these two species. Additionally, TVA (2017a) reports no occurrence records of the third freshwater mussel species, snuffbox (*Epioblasma triquetra*). The NRC staff did not identify any ecological studies, reports, or other information suggesting that populations of any of these species exist in the BFN action area or within Wheeler Reservoir as a whole. The NRC staff, therefore, concludes that snuffbox, pink mucket, and rough pigtoe are unlikely to occur in the action area.

Impact Assessment

As described under ''Terrestrial Resource Impacts,'' the NRC staff determined that the proposed EPU would not have significant impacts on the terrestrial environment. This conclusion was made, in part, because the proposed EPU would not disturb any natural areas, including riparian areas, upland forests, and wetlands, and because any temporary noise and lighting that wildlife might experience during implementation of EPU-related modifications and upgrades would be similar to and indistinguishable from what nearby wildlife already experience during BFN operations. As described under ''Aquatic Resource Impacts,'' although operation at EPU levels would result in additional thermal discharge to Wheeler Reservoir, any resulting impacts on aquatic resources would not be significant because thermal discharges would remain within the limits imposed by the BFN NPDES permit. Further, because no Federally listed species occur in the action area, no Federally listed species would experience even these insignificant effects.

ESA Effect Determinations

Based on the foregoing discussion, the NRC staff concludes that the proposed EPU would have *no effect* on the gray bat, Indiana bat, northern long-eared bat, snuffbox, pink mucket, and rough pigtoe. Federal agencies are not required to consult with the FWS if they determine that an action will not affect listed species or critical habitats (FWS 2013). Thus, no consultation is required for the proposed EPU, and the NRC staff considers its obligations under the ESA to be fulfilled for the proposed action.

Historic and Cultural Resource Impacts

The National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 *et seq.*), requires Federal agencies to consider the effects of their undertakings on historic properties, and the proposed EPU is an undertaking that could potentially affect historic properties. Historic properties are defined as resources eligible for listing in the National Register of Historic Places (NRHP). The criteria for eligibility are listed in 36 CFR 60.4 and include (1) association with significant events in history; (2) association with the lives of persons significant in the past; (3) embodiment of distinctive characteristics of type, period, or construction; and (4) sites or places that have yielded, or are likely to yield, important information.

According to the BFN FSEIS (NRC 2005), the only significant cultural resources in the proximity of BFN are Site 1Li535 and the Cox Cemetery, which was moved to accommodate original construction of the plant. TVA (2016a) researched current historic property records and found nothing new within 3 mi (4.8 km) of the plant. As described under ''Description of the Proposed Action,'' all onsite modifications associated with the proposed action would be within existing structures, buildings, and fenced equipment yards, and TVA anticipates no disturbance of previously undisturbed onsite land. Thus, historic and cultural resources would not be affected by onsite power plant modifications and upgrades at BFN.

Regarding transmission system upgrades, Tennessee Valley Archaeological Research (TVAR) and the University of Alabama's Office of Archaeological Research (OAR) performed Phase I Cultural Surveys to determine if the expansion of the Holly Springs, Corinth, and Limestone substations would affect any historic or cultural resources. The TVAR's and OAR's findings are summarized below.

During its Phase I Cultural Resource Survey for the Holly Springs Substation (Karpynec et al. 2016b), TVAR revisited two NRHP-listed historic districts, the Depot-Compress Historic District and the East Holly Springs Historic District, within the survey radius. The TVAR determined that the historic districts are outside the viewshed of the proposed substation expansion. During the survey, TVAR also identified 14 potentially historic properties, none of which were found to be eligible for listing on the NRHP due to their lack of architectural and historic significance. The TVAR concluded that no historic properties would be affected by the Holly Springs Substation expansion.

During its Phase I Cultural Resource Survey for the Corinth Substation (Karpynec et al. 2016b), TVAR identified 13 properties within the area of potential effect, none of which were determined to be eligible for listing on the NRHP due to their lack of architectural distinction and loss of integrity caused by modern alterations or damage. The TVAR concluded that no historic properties would be affected by the Corinth Substation expansion.

During the Phase I Cultural Resource Survey for the Limestone Substation (Watkins 2017), OAR did not identify any properties within the area of potential effect. OAR identified two properties within a 0.5-mi (0.8-km) radius of the area of potential effect that could be visually impacted by the Limestone Substation SVC installation, neither of which were found to be eligible for listing on the NRHP due to integrity and historical significance issues. OAR concluded that no historic properties would be affected by the Limestone Substation SVC installation.

Following power plant modifications and substation upgrades, operation of BFN at EPU power levels would have no effect on existing historic and cultural resources. Further, TVA has procedures in place to ensure that BFN operations would continue to protect historic and cultural resources, and the proposed action would not change such procedures (NRC 2005). Therefore, the NRC staff concludes that EPU-related power plant modifications and substation upgrades would not result in significant impacts to historic and cultural resources.

Socioeconomic Impacts

Potential socioeconomic impacts from the proposed EPU include increased demand for short-term housing, public services, and increased traffic due to the temporary increase in the size of the workforce required to implement the EPU at BFN and upgrade affected substations. The proposed EPU also could generate increased tax revenues for the State and surrounding counties due to increased ''book'' value of BFN and increased power generation.

During outages, the workforce at BFN increases by 800 to 1,200 workers for an average of 1,000 additional workers onsite. Normally, outage workers begin to arrive at BFN 2 to 3 weeks prior to the start of the outage, and the total number of onsite workers peaks at about the 3rd day of the 21- to 28-day outage. The EPU outage for each unit would last 35 days or less (TVA 2016a). Once EPU-related plant modifications have been completed, the size of the workforce at BFN would return to pre-EPU levels approximately 1 week after the end of the outage with no significant increases during future outages. The size of the operations workforce would be unaffected by the proposed EPU.

Most of the EPU plant modification workers are expected to relocate temporarily to the Huntsville metropolitan area during outages, resulting in short-term increased demands for public services and housing. Because plant modification work would be temporary, most workers would stay in available rental homes, apartments, mobile homes, and camper-trailers.

The additional number of outage workers and truck material and equipment deliveries needed to support EPU-related power plant modifications could cause short-term level-of-service impacts (restricted traffic flow and higher incident rates) on secondary roads in the immediate vicinity of BFN. However, only small traffic delays are anticipated during the outages.

The TVA currently makes payments in lieu of taxes to states and counties in which BFN operations occur and on properties previously subjected to state and local taxation. The TVA pays a percentage of its gross power revenues to such states and counties. Only a very small share of TVA payment is paid directly to counties; most is paid to the states, which use their own formulas for redistribution of some or all of the payments to local governments to fund their respective operating budgets. In general, half of TVA payment is apportioned based on power sales and half is apportioned based on the ''book'' value of TVA property. Therefore, for a capital improvement project such as the EPU, the in-lieu-of-tax payments are affected in two ways: (1) As power sales increase, the total amount of the in-lieu-of-tax payment to be distributed increases, and (2) the increased ''book'' value of BFN causes a greater proportion of the total payment to be allocated to Limestone County. The state's general fund, as well as all of the counties in Alabama that receive TVA in-lieu-of-tax distributions from the State of Alabama, benefit under this method of distribution (TVA 2017a). Therefore, the amount of future payments in lieu of property taxes paid by TVA could be affected by the increased value of BFN as a result of the EPU and associated increased power generation.

Due to the short duration of EPU-related plant modification and substation upgrade activities, there would be little or no noticeable effect on tax revenues generated by additional workers temporarily residing in Limestone County and elsewhere. In addition, there would be little or no noticeable increased demand for housing and public services or level-of-service traffic impacts beyond what is experienced during normal refueling outages at BFN. Therefore, the NRC staff concludes that there would be no significant socioeconomic impacts from EPU-related plant modifications, substation upgrades, and power plant operations under EPU conditions.

Environmental Justice Impacts

The environmental justice impact analysis evaluates the potential for disproportionately high and adverse human health and environmental effects on minority and low-income populations that could result from activities associated with the proposed EPU at BFN. Such effects may include human health, biological, cultural, economic, or social impacts. Minority and low-income populations are subsets of the general public residing in the vicinity of BFN, and all are exposed to the same health and environmental effects generated from activities at BFN.

Minority Populations in the Vicinity of the BFN

According to the 2010 Census, an estimated 22 percent of the total population (approximately 978,000 individuals) residing within a 50-mile radius of BFN identified themselves as a minority (MCDC 2016). The largest minority populations were Black or African American (approximately 135,000 persons or 14 percent), followed by Hispanic, Latino, or Spanish origin of any race (approximately 44,000 persons or 4.5 percent). According to the U.S. Census Bureau's (USCB's) 2010 Census, about 21 percent of the Limestone County population identified themselves as minorities, with Black or African Americans comprising the largest minority population (approximately 13 percent) (USCB 2016). According to the USCB's 2015 American Community Survey 1-Year Estimates, the minority population of Limestone County, as a percent of the total population, had increased to about 23 percent with Black or African Americans comprising 14 percent of the total county population (USCB 2016).

Low-Income Populations in the Vicinity of BFN

According to the USCB's 2010–2014 American Community Survey 5-Year Estimates, approximately 32,000 families and 154,000 individuals (12 and 16 percent, respectively) residing within a 50-mile radius of BFN were identified as living below the Federal poverty threshold (MCDC 2016). The 2014 Federal poverty threshold was $24,230 for a family of four (USCB 2016).

According to the USCB's 2015 American Community Survey 1-Year Estimates, the median household income for Alabama was $44,765, while 14 percent of families and 18.5 percent of the state population were found to be living below the Federal poverty threshold (USCB 2016). Limestone County had a higher median household income average ($55,009) and a lower percentage of families (12 percent) and persons (15 percent) living below the poverty level, respectively (USCB 2016).

Impact Analysis

Potential impacts to minority and low-income populations would consist of environmental and socioeconomic effects (*e.g.,* noise, dust, traffic, employment, and housing impacts) and radiological effects.

Noise and dust impacts would be temporary and limited to onsite activities. Minority and low-income populations residing along site access roads could experience increased commuter vehicle traffic during shift changes. Increased demand for inexpensive rental housing during the EPU-related plant modifications could disproportionately affect low-income populations; however, due to the short duration of the EPU-related work and the availability of housing, impacts to minority and low-income populations would be of short duration and limited. According to 2015 American Community Survey 1-Year Estimates, there were approximately 4,016 vacant housing units in Limestone County (USCB 2016). Radiation doses from plant operations after implementation of the EPU are expected to continue to remain well below regulatory limits.

Based on this information and the analysis of human health and environmental impacts presented in this EA, the NRC staff concludes that the proposed EPU would not have disproportionately high and adverse human health and environmental effects on minority and low-income populations residing in the vicinity of BFN.

Cumulative Impacts

The Council on Environmental Quality defines cumulative impacts under NEPA as the impact on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions (40 CFR 1508.7). Cumulative impacts may result when the environmental effects associated with the proposed action are overlaid or added to temporary or permanent effects associated with other actions. Cumulative impacts can result from individually minor, but collectively significant, actions taking place over a period of time. For the purposes of this cumulative analysis, past actions are related to the resource conditions when BFN was licensed and constructed; present actions are related to the resource conditions during current operations; and future actions are those that are reasonably foreseeable through the expiration of BFN's renewed facility operating licenses (*i.e.,* through 2033, 2034, and 2036 for Units 1, 2, and 3, respectively).

In Section 4.8 of the BFN FSEIS (NRC 2005), the NRC staff assessed the cumulative impacts related to continued operation of BFN through the license renewal term assuming operation of BFN at EPU levels. In its analysis, the NRC (2005) considered changes and modifications to the Tennessee River; current and future water quality; current and future competing water uses, including public supply, industrial water supply, irrigation, and thermoelectric power generation; the radiological environment; future socioeconomic impacts; historic and cultural resources; and cumulative impacts to Federally endangered and threatened species. The NRC (2005) determined that the contribution of BFN continued operations at EPU levels to past, present, and reasonably foreseeable future actions would not be detectable or would be so minor as to not destabilize or noticeably alter any important attribute of the resources.

Because the proposed EPU would neither change nor result in significant impacts to the radiological environment, onsite or offsite land uses, visual resources, air quality, noise, terrestrial resources, special status species and habitats, historical and cultural resources, socioeconomic conditions, or environmental justice populations, the NRC concludes that implementation of the proposed action would not incrementally contribute to cumulative impacts to these resources. Regarding water resources and aquatic resources, although the proposed EPU would result in more thermal effluent, discharges would remain within the limits set forth in the current BFN NPDES permit, and no other facilities discharge thermal effluent within the BFN mixing zone that would exacerbate thermal effects. As described above, the NRC (2005) determined that cumulative impacts to these resources would not be detectable or would be so minor as to not destabilize or noticeably alter any important attribute of the resources. Accordingly, the NRC staff finds that cumulative impacts on water resources and aquatic resources under the proposed action would not be significant.

Additionally, for those resources identified as potentially impacted by activities associated with the proposed EPU (*i.e.,* water resources and aquatic resources), the NRC staff also considered current resource trends and conditions, including the potential impacts of climate change. The NRC staff considered the U.S. Global Change Research Program's (USGCRP's) most recent compilation of the state of knowledge relative to global climate change effects (USGCRP 2009, 2014). The effects of climate change on water and aquatic resources are discussed below.

Water Resources

Predicted changes in the timing, intensity, and distribution of precipitation would be likely to result in changes in surface water runoff affecting water availability across the Southeastern United States. Specifically, while average precipitation during the fall has increased by 30 percent since about 1900, summer and winter precipitation has declined by about 10 percent across the eastern portion of the region, including eastern Tennessee (USGCRP 2009). A continuation of this trend coupled with predicted higher temperatures during all seasons (particularly the summer months), would reduce groundwater recharge during the winter, produce less runoff and lower stream flows during the spring, and potentially lower groundwater base flow to rivers during the drier portions of the year (when stream flows are already lower). As cited by the USGCRP, the loss of moisture from soils because of higher temperatures along with evapotranspiration from vegetation is likely to increase the frequency, duration, and intensity of droughts across the region into the future (USGCRP 2009, USGCRP 2014).

Changes in runoff in a watershed along with reduced stream flows and higher air temperatures all contribute to an increase in the ambient temperature of receiving waters. Annual runoff and river-flow are projected to decline in the Southeast region (USGCRP 2014). Land use changes, particularly those involving the conversion of natural areas to impervious surface, exacerbate these effects. These factors combine to affect the availability of water throughout a watershed, such as that of the Tennessee River, for aquatic life, recreation, and industrial uses. While changes in projected precipitation for the Southeast region are uncertain, the USGCRP has a reasonable expectation that there will be reduced water availability due to the increased evaporative losses from rising temperatures alone (USGCRP 2014). Nevertheless, when considering that the Tennessee River System and associated reservoirs are closely operated, managed, and regulated for multiple uses which include thermoelectric power generation, the incremental contribution of the proposed EPU on climate change impacts is not significant.

Aquatic Resources

The potential effects of climate change described above for water resources, whether from natural cycles

or man-made activities, could result in changes that would affect aquatic resources in the Tennessee River. Increased air temperatures could result in higher water temperatures in the Tennessee River reservoirs. For instance, TVA found that a 1 °F (0.5 °C) increase in air temperature resulted in an average water temperature increase between 0.25 °F and 0.5 °F (0.14 °C and 0.28 °C) in the Chickamauga Reservoir (NRC 2015). Higher water temperatures would increase the potential for thermal effects on aquatic biota and, along with altered river flows, could exacerbate existing environmental stressors, such as excess nutrients and lowered dissolved oxygen associated with eutrophication. Even slight changes could alter the structure of aquatic communities. Invasions of non-native species that thrive under a wide range of environmental conditions could further disrupt the current structure and function of aquatic communities (NRC 2015). Nevertheless, when considering that the Tennessee River System and associated reservoirs are closely operated, managed, and regulated for multiple uses that include thermoelectric power generation, the incremental contribution of the proposed EPU on climate change impacts is not significant.

Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the proposed license amendments (*i.e.,* the ''no-action'' alternative). Denial of the application would result in no change in current environmental conditions or impacts. However, if the EPU were not approved, other agencies and electric power organizations might be required to pursue other means of providing electric generation capacity, such as fossil fuel or alternative fuel power generation, to offset future demand. Construction and operation of such generating facilities could result in air quality, land use, ecological, and waste management impacts significantly greater than those identified for the proposed EPU.

Alternative Use of Resources

The action does not involve the use of any different resources than those previously considered for current operations, as described in NUREG–1437, Supplement 21, Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Browns Ferry Station, Units 1, 2, and 3—Final Report (NRC 2005).

Agencies and Persons Consulted

The NRC staff did not enter into consultation with any other Federal or State agency regarding the environmental impacts of the proposed action. However, on October 6, 2016, the NRC notified the Alabama State official, Mr. David Walter, Director of Alabama Office of Radiation Control of the proposed amendments, requesting his comments by October 13, 2016. The State official provided no comments. The NRC (2016b) also sent copies of the draft EA to the EPA, FWS, and Alabama Department of Environmental Management. The NRC received no comments from these agencies.

III. Finding of No Significant Impact

The NRC is considering issuing amendments for Renewed Facility Operating License Nos. DPR–33, DPR–52, and DPR–68, issued to TVA for operation of BFN to increase the maximum licensed thermal power level for each of the three BFN reactor units from 3,458 MWt to 3,952 MWt.

On the basis of the EA included in Section II above and incorporated by reference in this finding, the NRC concludes that the proposed action would not have significant effects on the quality of the human environment. The NRC's evaluation considered information provided in the licensee's application and associated supplements as well as the NRC's independent review of other relevant environmental documents. Section IV below lists the environmental documents related to the proposed action and includes information on the availability of these documents. Based on its findings, the NRC has decided not to prepare an environmental impact statement for the proposed action.

IV. Availability of Documents

The following table identifies the references cited in this document and related to the NRC's FONSI. Documents with an ADAMS accession number are available for public inspection online through ADAMS at *http://www.nrc.gov/reading-rm/adams.html* or in person at the NRC's PDR as previously described.

Document	ADAMS Accession No., FRN, or URL reference
Alabama Department of Environmental Management. National Pollutant Discharge Elimination System Permit No. AL0022080, Tennessee Valley Authority, Browns Ferry Nuclear Plant. Dated July 3, 2012. (ADEM 2012).	ML16159A040
Alabama Department of Environmental Management. Alabama's Draft 2016 § 303(d) List Fact Sheet. Dated February 7, 2016. (ADEM 2016).	ML16259A186
Karpynec T, Rosenwinkel H, Weaver M, Wright K, and Crook E. A Phase I Cultural Resources Surveys of Tennessee Valley Authority's Corinth and Holly Springs Substation Expansions in Alcorn and Marshall Counties, Mississippi. Dated May 2016. (Karpynec et al. 2016).	ML16197A563
Missouri Census Data Center. Circular Area Profiles (CAPS), 2010 Census Summary File 1, Aggregated Census Block Group Hispanic or Latino and Race data and 2010–2014 American Community Survey (ACS) data, Summary of aggregated Census Tract data in a 50-mile (80-kilometer) radius around BFN (Latitude = 34.703889355505075, Longitude = −87.11862504482272). Accessed September 2016. (MCDC 2016).	*http://mcdc.missouri.edu/websas/caps10c.html*
Tennessee Valley Authority. Browns Ferry Nuclear Plant Units 2 and 3—Proposed Technical Specifications Change TS–418—Request for License Amendment Extended Power Uprate (EPU) Operation. Dated June 25, 2004. (TVA 2004a).	ML041840301
Tennessee Valley Authority. Browns Ferry Nuclear Plant Unit 1—Proposed Technical Specifications Change TS–431—Request for License Amendment—Extended Power Uprate (EPU) Operation. Dated June 28, 2004. (TVA 2004b).	ML042800186
Tennessee Valley Authority. Browns Ferry Nuclear Plant—Unit 1—Technical Specifications Change TS–431, Supplement 1—Extended Power Uprate (EPU). Dated September 22, 2006. (TVA 2006).	ML062680459
Tennessee Valley Authority. Browns Ferry Nuclear Plant, Unit 1, 2, and 3—Annual Radioactive Effluent Release Report—2011 Dated April 30, 2012 (TVA 2012).	ML12123A017
Tennessee Valley Authority. Browns Ferry Nuclear Plant, Unit 1, 2, and 3—Annual Radioactive Effluent Release Report—2012 Dated April 30, 2013 (TVA 2013).	ML13126A100

Document	ADAMS Accession No., FRN, or URL reference
Tennessee Valley Authority. Technical Specifications Changes TS–431 and TS–418—Extended Power Uprate (EPU)—Withdrawal of Requests and Update to EPU Plans and Schedules. Dated September 18, 2014. (TVA 2014a).	ML14265A487
Tennessee Valley Authority. Browns Ferry Nuclear Plant, Unit 1, 2, and 3—Annual Radioactive Effluent Release Report—2013 Dated April 30, 2014 (TVA 2014b).	ML14122A344
Tennessee Valley Authority. Proposed Technical Specifications Change TS–505—Request for License Amendments—Extended Power Uprate, Cover Letter. Dated September 21, 2015. (TVA 2015a).	ML15282A152
Tennessee Valley Authority. Proposed Technical Specification Change TS–505—Request for License Amendments—Extended Power Uprate—Supplemental Information. Dated November 13, 2015. (TVA 2015b).	ML15317A361
Tennessee Valley Authority. Proposed Technical Specifications (TS) Change TS–505—Request for License Amendments—Extended Power Uprate (EPU)—Supplement 2, MICROBURN–B2 Information. Dated December 15, 2015. (TVA 2015c).	ML15351A113
Tennessee Valley Authority. Proposed Technical Specifications (TS) Change TS–505—Request for License Amendments—Extended Power Uprate (EPU)—Supplement 3, Interconnection System Impact Study Information. Dated December 18, 2015. (TVA 2015d).	ML15355A413
Tennessee Valley Authority. Browns Ferry Nuclear Plant, Unit 1, 2, and 3—Annual Radioactive Effluent Release Report—2014 Dated April 30, 2015 (TVA 2015e).	ML15120A283
Tennessee Valley Authority. Proposed Technical Specifications (TS) Change TS–505—Request for License Amendments—Extended Power Uprate (EPU)—Supplement 13, Responses to Requests for Additional Information. Dated April 22, 2016. (TVA 2016a).	ML16159A040
Tennessee Valley Authority. Proposed Technical Specifications (TS) Change TS–505—Request for License Amendments—Extended Power Uprate (EPU)—Supplement 18, Responses to Requests for Additional Information and Updates Associated with Interconnection System Impact Study Modifications. Dated May 27, 2016. (TVA 2016b).	ML16197A563
Tennessee Valley Authority. Browns Ferry Nuclear Plant, Unit 1, 2, and 3—Annual Radioactive Effluent Release Report—2015 Dated April 30, 2016 (TVA 2016c).	ML16123A149
Tennessee Valley Authority. Proposed Technical Specifications (TS) Change TS–505—Request for License Amendments—Extended Power Uprate, BFN EPU LAR, Attachment 42, Supplemental Environmental Report, Revision 2. Enclosure 2. Dated February 3, 2017. (TVA 2017a).	ML17034A562
Tennessee Valley Authority. Proposed Technical Specifications (TS) Change TS–505—Request for License Amendments—Extended Power Uprate (EPU)—Supplement 36, Transmission System Update—Safety Aspects Dated January 20, 2017. (TVA 2017b).	ML17023A199
Tennessee Valley Authority. Proposed Technical Specifications (TS) Change TS–505—Request for License Amendments—Extended Power Uprate (EPU)—Supplement 36, Transmission System Update—Environmental Aspects Dated February 3, 2017. (TVA 2017c).	ML17034A562
Tennessee Valley Authority. BFN EPU LAR, Attachment 47, List and Status of Plant Modifications, Revision 4 (Enclosure 7). Dated January 20, 2017. (TVA 2017d).	ML17023A200
Tennessee Valley Authority. Browns Ferry Nuclear Plant, RERP–RAI–GE–2 Response, Attachment 1, Revision 1: Supplemental Environmental Information for Transmission System and BFN Main Generator Upgrades (Excluding Limestone Substation. Dated February 3, 2017. (TVA 2017e).	ML17034A562
Tennessee Valley Authority. Browns Ferry Nuclear Plant, RERP–RAI–GE–2 Response, Attachment 2: Supplemental Environmental Information for Limestone Substation Static VAR Compensator Construction. Dated January 2017. (TVA 2017f).	ML17034A562
U.S. Census Bureau. American FactFinder, Table DP–1, ''Profile of General Population and Housing Characteristics: 2010, 2010 Census Summary File 1'' for Limestone County, Alabama; American FactFinder, Table DP05, ''ACS Demographic and Housing Estimates, 2015 American Community Survey 1-Year Estimates'' for Limestone County, Alabama; and Table DP03—''Selected Economic Characteristics, 2015 American Community Survey 1-Year Estimates'' for Alabama and Limestone County, and Table B25002—''Occupancy Status, 2015 American Community Survey 1-Year Estimates'' for Limestone County, Alabama. Accessed September 2016. (USCB 2016).	*http://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t*
U.S. Fish and Wildlife Service. Endangered Species Consultations Frequently Asked Questions. Dated July 15, 2013. (FWS 2013).	ML16120A505
U.S. Fish and Wildlife Service. Updated List of Threatened and Endangered Species That May Occur in Your Proposed Project Location for Browns Ferry EPU. Dated February 1, 2016. (FWS 2016).	ML16032A044
U.S. Fish and Wildlife Service. List of Threatened and Endangered Species That May Occur in Your Proposed Project Location, and/or May Be Affected by Your Proposed Project. Dated March 30, 2017. (FWS 2017).	ML17089A314
U.S. Global Change Research Program. Global Climate Change Impacts in the United States. Dated June 2009. (USGCRP 2009).	ML100580077
U.S. Global Change Research Program. Climate Change Impacts in the United States: The Third National Climate Assessment. Dated May 2014. (USGCRP 2014).	ML14129A233
U.S. Nuclear Regulatory Commission. Browns Ferry Nuclear Plant, Units 2 and 3—Environmental Assessment Regarding Power Uprate. Dated September 1, 1998. (NRC 1998).	63 FR 46491
U.S. Nuclear Regulatory Commission. Generic Environmental Impact Statement for License Renewal of Nuclear Plants (NUREG–1437, Volume 1, Addendum 1). Dated August 1999. (NRC 1999).	ML040690720
U.S. Nuclear Regulatory Commission. Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors (Regulatory Guide 1.183). Dated July 2000. (NRC 2000).	ML003716792
U.S. Nuclear Regulatory Commission. Review Standard for Extended Power Uprates (RS–001). Revision 0. Dated December 2003. (NRC 2003).	ML033640024
U.S. Nuclear Regulatory Commission. Biological Assessment, Browns Ferry Nuclear Power Plant, License Renewal Review, Limestone County, Alabama. Dated October 2004. (NRC 2004a).	ML042990348

Document	ADAMS Accession No., FRN, or URL reference
U.S. Nuclear Regulatory Commission Browns Ferry Nuclear Plant, Units 1, 2, and 3—Issuance of Amendments Regarding Full-Scope Implementation of Alternative Source Term. September 27, 2004. (NRC 2004b).	ML042730028
U.S. Nuclear Regulatory Commission. Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Browns Ferry Plant, Units 1, 2, and 3—Final Report (NUREG–1437, Supplement 21). Dated June 30, 2005. (NRC 2005).	ML051730443
U.S. Nuclear Regulatory Commission. Issuance of Renewed Facility Operating License Nos. DPR–33, DPR–52, and DPR–68 for Browns Ferry Nuclear Plant, Units 1, 2, and 3. Dated May 4, 2006. (NRC 2006a).	ML060970332
U.S. Nuclear Regulatory Commission. Browns Ferry Nuclear Plant, Units 1, 2, and 3—Draft Environmental Assessment and Finding of No Significant Impact Related to the Proposed Extended Power Uprate. Dated November 6, 2006. (NRC 2006b).	71 FR 65009
U.S. Nuclear Regulatory Commission. Browns Ferry Nuclear Plant, Units 1, 2, and 3—Final Environmental Assessment and Finding of No Significant Impact Related to the Proposed Extended Power Uprate. Dated February 12, 2007. (NRC 2007a).	72 FR 6612
U.S. Nuclear Regulatory Commission. Browns Ferry Nuclear Plant, Unit 1—Issuance of Amendment Regarding Five Percent Uprate. Dated March 6, 2007. (NRC 2007b).	ML063350404
U.S. Nuclear Regulatory Commission. Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Sequoyah Nuclear Plant, Unit 1 and 2 —Final Report (NUREG–1437, Supplement 53). Dated March 2015. (NRC 2015).	ML15075A438
U.S. Nuclear Regulatory Commission. Tennessee Valley Authority; Browns Ferry Nuclear Plant, Units 1, 2, and 3; Draft environmental assessment and draft finding of no significant impact; request for comments. Dated December 1, 2016. (NRC 2016a).	81 FR 86732
U.S. Nuclear Regulatory Commission. Issuance of Browns Ferry Nuclear Plant, Units 1, 2, and 3—Draft Environmental Assessment and Finding of No Significant Impact Related to the Proposed Extended Power Uprate. Dated November 21, 2016. (NRC 2016b).	ML16287A525
Watkins JH. A Cultural Resource Survey of the Proposed Limestone Substation Station VAR Compensator Site in Limestone County, Alabama. Dated January 2017.	ML17034A562
Yokely P Jr. Mussel Study near Hobbs Island on the Tennessee River for Butler Basin Marina. Dated April 1998. (Yokely 1998).	ML042800176

Dated at Rockville, Maryland, this 22nd day of May 2017.

For The Nuclear Regulatory Commission.

Benjamin G. Beasley,

Chief, Plant Licensing Branch II–2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–11184 Filed 5–30–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0264]

Information Collection: Disposal of High-Level Radioactive Wastes in a Geologic Repository at Yucca Mountain, Nevada

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''Disposal of High-Level Radioactive Wastes in a Geologic Repository at Yucca Mountain, Nevada.''

DATES: Submit comments by July 31, 2017. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0264. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: O–4F00, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2016–0264 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0264.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The draft supporting statement is available in ADAMS under Accession No. ML17031A048.

• *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.

• *NRC's Clearance Officer:* A copy of the collection of information and related

instructions may be obtained without charge by contacting NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

Please include Docket ID NRC–2016–0264 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* 10 CFR part 63, ''Disposal of High-Level Radioactive Wastes in a Geologic Repository at Yucca Mountain, Nevada.''

2. *OMB approval number:* 3150–0199.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* Not applicable.

5. *How often the collection is required or requested:* One time.

6. *Who will be required or asked to respond:* The State of Nevada, local governments, or affected Indian tribes, or their representatives, requesting consultation with the NRC staff regarding review of the potential high-level waste geologic repository site, or wishing to participate in a license application review for the potential geologic repository.

7. *The estimated number of annual responses:* 6.

8. *The estimated number of annual respondents:* 6.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 726.

10. *Abstract:* Part 63 of title 10 of the Code of Federal Regulations (10 CFR), requires the State of Nevada, local governments, or affected Indian tribes to submit information to the NRC that describes their request for any consultation with the NRC staff concerning the review of the potential repository site, or NRC's facilitation for their participation in a license application review for the potential repository. Representatives of the State of Nevada, local governments, or affected Indian tribes must submit a statement of their authority to act in such a representative capacity. The information submitted by the State, local governments, and affected Indian tribes is used by the Director of the Office of Nuclear Material Safety and Safeguards as a basis for decisions about the commitment of the NRC staff resources to the consultation and participation efforts.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 24th day of May 2017.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2017–11177 Filed 5–30–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0189]

RG 5.28, ''Evaluation of Shipper-Receiver Differences in the Transfer of Special Nuclear Material,'' Revision 0 RG 5.49, ''Internal Transfers of Special Nuclear Material,'' Revision 0 RG 5.57, ''Shipping and Receiving Control of Strategic Special Nuclear Material,'' Revision 1

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; withdrawal.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is withdrawing the following three regulatory guides (RGs): RG 5.28, ''Evaluation of Shipper-Receiver Differences in the Transfer of Special Nuclear Material;'' RG 5.49, ''Internal Transfers of Special Nuclear Material;'' and RG 5.57, ''Shipping and Receiving Control of Strategic Special Nuclear Material.'' These RGs are being withdrawn because the guidance has been incorporated into RG 5.41, ''Shipping, Receiving, and Internal Transfer of Special Nuclear Material.''

DATES: The effective date of the withdrawal of RGs 5.28, 5.49, and 5.57 is May 31, 2017.

ADDRESSES: Please refer to Docket ID NRC–2016–0189 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0189. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals 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 available in ADAMS) is provided the first time that

a document is referenced. The basis for withdrawal of RGs 5.28, 5.49, and 5.57 is available in ADAMS under Accession No(s). ML17055B973, ML17055B974, and ML17055B968, respectively.

- *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: Glenn Tuttle, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–7230, email: *Glenn.Tuttle@nrc.gov,* and Mekonen Bayssie, Office of Research, telephone: 301–415–1699, email: *Mekonen.Bayssie@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: The NRC is withdrawing RGs 5.28, 5.49, and 5.57 because this guidance has been incorporated into RG 5.41, ''Shipping, Receiving, and Internal Transfer of Special Nuclear Material,'' (ADAMS Accession No. ML16348A213) and RGs 5.28, 5.49, and 5.57 are therefore no longer needed. These three RGs were issued by the NRC staff in the 1970s to 1980s to provide guidance that was considered acceptable for complying with the NRC's regulations related to the shipment, receipt, and transfer of special nuclear materials. RG 5.41 is being issued to update the guidance that is being withdrawn. A notice issuing RG 5.41 has been published in this issue of the **Federal Register** (see Docket ID NRC–2016–0189).

The withdrawal of RGs 5.28, 5.49, and 5.57 does not alter any prior or existing NRC licensing approval or the acceptability of licensee commitments made regarding the withdrawn guidance. Although RGs 5.28, 5.49, and 5.57 are withdrawn, current licensees referencing these RGs may continue to do so, and withdrawal does not affect any existing licenses or agreements. However, by withdrawing RGs 5.28, 5.49, and 5.57, the NRC no longer approves reliance upon such guidance in future requests or applications for NRC licensing actions.

Dated at Rockville, Maryland, this 25th day of May 2017.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2017–11225 Filed 5–30–17; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Liability for Termination of Single-Employer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval without change.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (''OMB'') extend approval without change, under the Paperwork Reduction Act, of a collection of information contained in its regulation on Liability for Termination of Single-Employer Plans (OMB control number 1212–0017; expires May 31, 2017). This notice informs the public of PBGC's intent and solicits public comment on the collection of information.

DATES: Comments should be submitted by June 30, 2017.

ADDRESSES: Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, via electronic mail at *OIRA_DOCKET@omb.eop.gov* or by fax to (202) 395–6974. A copy of the request is posted at *https://www.pbgc.gov/prac/pg/other/guidance/paperwork-notices.* It may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC at 1200 K Street NW., Washington, DC 20005, faxing a request to 202–326–4042, or calling 202–326–4040 during normal business hours. TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040. The regulation on Liability for Termination of Single-Employer Plans can be found at *www.pbgc.gov*.

FOR FURTHER INFORMATION CONTACT: Jo Amato Burns (*burns.jo.amato@pbgc.gov*), Regulatory Affairs Group, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026, 202–326–4400, extension 3072, or Deborah C. Murphy (*murphy.deborah@pbgc.gov*), Assistant General Counsel, same address and phone number, extension 3451. TTY and TDD users may call the Federal relay service toll-free at 800–877–8339 and ask to be connected to 202–326–4400.

SUPPLEMENTARY INFORMATION: Section 4062 of the Employee Retirement Income Security Act of 1974 (''ERISA'') provides that the contributing sponsor of a single-employer pension plan and members of the sponsor's controlled group (''the employer'') incur liability (''employer liability'') if the plan terminates with assets insufficient to pay benefit liabilities under the plan. PBGC's statutory lien for employer liability and the payment terms for employer liability are affected by whether and to what extent employer liability exceeds 30 percent of the employer's net worth.

Section 4062.6 of PBGC's employer liability regulation (29 CFR 4062.6) requires a contributing sponsor, or member of the contributing sponsor's controlled group, that believes employer liability exceeds 30 percent of the collective net worth of persons subject to liability in connection with a plan termination to so notify PBGC upon plan termination and to submit net worth information. This information is necessary to enable PBGC to determine whether, and to what extent, employer liability exceeds 30 percent of the collective net worth of the employer (which includes the contributing sponsor and all and members of the sponsor's controlled group).

The collection of information under the regulation has been approved by OMB under control number 1212–0017 through May 31, 2017. PBGC is requesting that OMB extend its approval for another three years. 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.

PBGC estimates that an average of thirty contributing sponsors or controlled group members per year will respond to this collection of information. PBGC further estimates that the average annual burden of this collection of information will be 12 hours and $4,440 per respondent, with an average total annual burden of 360 hours and $133,200.

Issued in Washington, DC.

Deborah Chase Murphy,

Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.

[FR Doc. 2017–10785 Filed 5–30–17; 8:45 am]

BILLING CODE 7709–02–P

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–10366; 34–80767; File No. 265–28]

Investor Advisory Committee Meeting

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting of Securities and Exchange Commission Dodd-Frank Investor Advisory Committee.

SUMMARY: The Securities and Exchange Commission Investor Advisory Committee, established pursuant to Section 911 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, is providing notice that it will hold a public meeting. The public is invited to submit written statements to the Committee.

DATES: The meeting will be held on Thursday, June 22, 2017 from 9:30 a.m. until 2:35 p.m. (ET). Written statements should be received on or before June 22, 2017.

ADDRESSES: The meeting will be held in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE., Washington, DC 20549. The meeting will be webcast on the Commission's Web site at *www.sec.gov.* Written statements may be submitted by any of the following methods:

Electronic Statements

- Use the Commission's Internet submission form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email message to *rules-comments@sec.gov*. Please include File No. 265–28 on the subject line; or

Paper Statements

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

All submissions should refer to File No. 265–28. This file number should be included on the subject line if email is used. To help us process and review your statement more efficiently, please use only one method.

Statements also will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Room 1503, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. All statements received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Marc Oorloff Sharma, Chief Counsel, Office of the Investor Advocate, at (202) 551–3302, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public, except during that portion of the meeting reserved for an administrative work session during lunch. Persons needing special accommodations to take part because of a disability should notify the contact person listed in the section above entitled **FOR FURTHER INFORMATION CONTACT**.

The agenda for the meeting includes: Remarks from Commissioners; nominations for open officer positions; a discussion regarding capital formation, smaller companies, and the declining number of initial public offerings; the announcement of election results for open officer positions on the Investor Advisory Committee; an overview of certain provisions of the Financial CHOICE Act of 2017 relating to the SEC; and a nonpublic administrative work session during lunch.

Dated: May 25, 2017.

Brent J. Fields,

Secretary.

[FR Doc. 2017–11178 Filed 5–30–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80752; File Nos. SR–NYSE–2017–13; SR–NYSEArca–2017–29; SR–NYSEMKT–2017–17; SR–NYSENAT–2017–01]

Self-Regulatory Organizations; New York Stock Exchange LLC; NYSE Arca, Inc.; NYSE MKT LLC; NYSE National, Inc.; Order Approving Proposed Rule Changes To Amend the Certificate and Bylaws of Their Ultimate Parent Company, Intercontinental Exchange, Inc.

May 24, 2017.

I. Introduction

On March 28, 2017, the New York Stock Exchange LLC (''NYSE''), NYSE Arca, Inc. (''NYSE Arca''), NYSE MKT LLC (''NYSE MKT'') and NYSE National, Inc. (''NYSE National,'' and together with NYSE, NYSE Arca and NYSE MKT, ''the Exchanges'') 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] proposed rule changes to amend the Third Amended and Restated Certificate of Incorporation of Intercontinental Exchange, Inc. (the ''ICE Certificate'') and Seventh Amended and Restated Bylaws of Intercontinental Exchange, Inc. (the ''ICE Bylaws'') of the exchanges' ultimate parent company, Intercontinental Exchange, Inc. (''ICE''). On April 6, 2017, each Exchange filed Amendment No. 1 to its proposed rule change.[3] The proposed rule changes, as modified by Amendment No. 1, were published for comment in the **Federal Register** on April 14, 2017.[4] The Commission received no comments in response to the proposed rule changes. This order approves the proposed rule changes.

II. Description of the Proposed Rule Changes

The Exchanges propose to amend the ICE Certificate and/or the ICE Bylaws to (1) revise references to ICE subsidiaries that either are or control national securities exchanges and delete references to certain other subsidiaries of ICE; (2) adopt a definition of ''Member''; (3) delete obsolete references and make certain technical corrections to the ICE Certificate and/or ICE Bylaws; and (4) clarify ICE Bylaw provisions relating to the location of stockholder meetings, quorum requirements, and requirements applicable to persons entitled to nominate directors or make proposals at a meeting of ICE's stockholders.[5]

References to ICE Subsidiaries

The Exchanges propose to amend the limitations on voting and ownership in Article V of the ICE Certificate to update and streamline references to ICE subsidiaries that are national securities exchanges or that control national securities exchanges, as well as to delete references to certain other ICE subsidiaries.[6] Specifically, Article V of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 clarified that the word ''indirect'' is proposed to be deleted from clause (iii)(y) of the first sentence of Section 2.13(b) of the ICE Bylaws.

[4] *See* Securities Exchange Act Release Nos. 80420 (April 10, 2017), 82 FR 18038 (April 14, 2017) (''NYSE Notice''); 80418 (April 10, 2017), 82 FR 18031 (April 14, 2017) (''NYSE Arca Notice''); 80419 (April 10, 2017), 82 FR 18051 (April 14, 2017) (''NYSE MKT Notice''); and 80417 (April 10, 2017), 82 FR 18061 (April 14, 2017) (''NYSE National Notice'').

[5] ICE owns 100% of the equity interest in Intercontinental Exchange Holdings, Inc. (''ICE Holdings''), which in turn owns 100% of the equity interest in NYSE Holdings LLC (''NYSE Holdings''). NYSE Holdings owns 100% of the equity interest of NYSE Group, Inc. (''NYSE Group''), which in turn directly owns 100% of the equity interest of NYSE, NYSE Arca, NYSE MKT and NYSE National.

[6] *See* NYSE Notice, *supra* note 4 at 18038–40; NYSE Arca Notice, *supra* note 4 at 18032–34; NYSE

the ICE Certificate establishes voting and ownership concentration limitations above a specified threshold by ''Persons'' and their ''Related Persons,'' as defined in Article V of the ICE Certificate, for so long as ICE owns any ''U.S. Regulated Subsidiary.'' Article V of the ICE Certificate authorizes ICE's Board of Directors to grant exceptions to the voting and ownership concentration limitations if the Board of Directors makes certain determinations, including that such an exception would not impair the ability of ICE, the ''U.S. Regulated Subsidiaries,'' ICE Holdings, NYSE Holdings, and NYSE Group to perform their respective responsibilities under the Exchange Act and the rules and regulations thereunder, and that such an exception is otherwise in the best interests of ICE, its stockholders and the U.S. Regulated Subsidiaries.[7]

The Exchanges represent that ''U.S. Regulated Subsidiaries'' is defined in the ICE Bylaws to mean the four national securities exchanges owned by ICE (*i.e.,* NYSE, NYSE Arca, NYSE MKT, and NYSE National), NYSE Arca, LLC, and NYSE Arca Equities, Inc. (''NYSE Arca Equities''), or their successors, in each case to the extent that such entities continue to be controlled, directly or indirectly, by ICE.[8] The Exchanges note that NYSE Arca, LLC, is a subsidiary of NYSE Group, and NYSE Arca Equities is a subsidiary of NYSE Arca.

The Exchanges propose to amend Article V to replace references to ''U.S. Regulated Subsidiary'' or ''U.S. Regulated Subsidiaries'' with references to ''Exchange'' or ''Exchanges.'' [9] An ''Exchange'' would be defined as a ''national securities exchange registered under Section 6 of the Exchange Act [10] that is directly or indirectly controlled by [ICE].'' [11] Accordingly, the Exchanges note that Article V of the ICE Certificate no longer would include references to NYSE Arca, LLC or NYSE Arca Equities.[12] The Exchanges believe, however, that omitting such entities is appropriate because the Exchange Act definition of ''exchange'' states that ''exchange'' ''includes the market place and the market facilities maintained by such exchange.'' [13] In addition, the Exchanges note that NYSE Arca, as the national securities exchange, has the regulatory and self-regulatory responsibility for the NYSE Arca options and equities markets.[14] The Exchanges represent that the proposed change to incorporate the term ''Exchange'' would align Article V of the ICE Certificate with the voting and ownership concentration limits in the certificates of incorporation of other publicly traded companies that own one or more national securities exchanges, which do not include references to subsidiaries other than national securities exchanges.[15]

Clause (B) of Article X of the ICE Certificate requires that, so long as ICE controls any of the ''U.S. Regulated Subsidiaries,'' any proposed amendment or repeal of any provision of the ICE Certificate must be submitted to the boards of directors of ''New York Stock Exchange, NYSE Market, NYSE Regulation, Inc., NYSE Arca, NYSE Arca Equities, and NYSE MKT'' for a determination as to whether such amendment or repeal must be filed with or filed with and approved by the Commission under Section 19 of the Exchange Act and the rules promulgated thereunder before such amendment or repeal may be effectuated.[16] For the same reasons discussed above, the Exchanges propose to replace the term ''U.S. Regulated Subsidiaries'' and the references to ''New York Stock Exchange, NYSE Market, NYSE Regulation, Inc., NYSE Arca, NYSE Arca Equities, and NYSE MKT'' in Clause (B) of Article X of the ICE Certificate with ''Exchange'' and ''each Exchange,'' respectively.

The Exchanges also propose to amend provisions of Articles III, VII, VIII, IX and XI of the ICE Bylaws in a manner consistent with certain proposed changes to the ICE Certificate. In Section 3.14(a) of Article III of the ICE Bylaws, the Exchanges propose to replace references to ''U.S. Regulated Subsidiaries'' with ''Exchanges'' and to replace references to NYSE Group, NYSE Holdings, and ICE Holdings with ''Intermediate Holding Companies.'' The Exchanges propose to replace the term ''U.S. Regulated Subsidiaries'' with ''Exchange'' in Articles VII, VIII, IX and XI of the ICE Bylaws. The Exchanges propose to define the term ''Exchange'' in Section 3.15 of Article III of the ICE Bylaws as ''a national securities exchange registered under Section 6 of the Exchange Act that is directly or indirectly controlled by [ICE].'' The definition of ''Exchange'' that would be added to the ICE Bylaws comports with the definition of ''Exchange'' that would be added to the ICE Certificate.[17]

The Exchanges propose to amend Section 8.3(b) of Article VIII of the ICE Bylaws to replace ''U.S. Regulated Subsidiary or any other U.S. Regulated Subsidiary over which such U.S. Regulated Subsidiary has regulatory authority or oversight'' with ''Exchange.'' [18] The Exchanges note that the proposed change would remove the current provision that allows any ''U.S. Regulated Subsidiary'' to inspect the books and records of another ''U.S. Regulated Subsidiary over which the first-noted ''U.S. Regulatory Subsidiary'' ''has regulatory authority or oversight.'' [19] As a result, the Exchanges represent that the ICE Bylaws no longer would provide that NYSE Arca may inspect the books and records of NYSE Arca Equities or NYSE Arca, LLC.[20] However, the Exchanges represent that the proposed change would have no substantive effect, because NYSE Arca would retain its authority to inspect the books and records of NYSE Arca Equities and NYSE Arca, LLC pursuant to NYSE Arca Equities Rules 14.1 and 14.3.[21] The Exchanges also note, in connection with this proposed amendment, that the NYSE, NYSE MKT,

MKT Notice, *supra* note 4 at 18052–54; and NYSE National Notice, *supra* note 4 at 18062–64.

[7] The Exchanges also propose to amend Article V of the ICE Certificate to replace references to ICE Holdings, NYSE Holdings, and NYSE Group with the defined term ''Intermediate Holding Companies.''

[8] ICE Certificate, Article V, Section A.10; ICE Bylaws, Article III, Section 3.15.

[9] *See* NYSE Notice, *supra* note 4 at 18039; NYSE Arca Notice, *supra* note 4 at 18032; NYSE MKT Notice, *supra* note 4 at 18052; and NYSE National Notice, *supra* note 4 at 18062.

[10] 15 U.S.C. 78f.

[11] *See* NYSE Notice, *supra* note 4 at 18039; NYSE Arca Notice, *supra* note 4 at 18032; NYSE MKT Notice, *supra* note 4 at 18052; and NYSE National Notice, *supra* note 4 at 18062.

[12] *Id.*

[13] 15 U.S.C. 78c(a)(1).

[14] *See* NYSE Arca Equities Rule 3.4 (''The NYSE Arca, Inc. ('NYSE Arca Parent'), as a self-regulatory organization registered with the Securities and Exchange Commission pursuant to Section 6 of the Exchange Act, shall have ultimate responsibility in the administration and enforcement of rules governing the operation of its subsidiary, NYSE Arca Equities, Inc. ('Corporation').''). *See also* NYSE Arca Equities Rule 14.1.

[15] *See* NYSE Notice, *supra* note 4 at 18039; NYSE Arca Notice, *supra* note 4 at 18032–33; NYSE MKT Notice, *supra* note 4 at 18052–53; and NYSE National Notice, *supra* note 4 at 18062.

[16] 15 U.S.C. 78s.

[17] *See* text accompanying note 11, *supra.*

[18] *See* NYSE Notice, *supra* note 4 at 18041; NYSE Arca Notice, *supra* note 4 at 18034–35; NYSE MKT Notice, *supra* note 4 at 18054–55; and NYSE National Notice, *supra* note 4 at 18064.

[19] *See* NYSE Notice, *supra* note 4 at 18041; NYSE Arca Notice, *supra* note 4 at 18035; NYSE MKT Notice, *supra* note 4 at 18055; and NYSE National Notice, *supra* note 4 at 18064.

[20] *Id.*

[21] *Id. See also* NYSE Arca Equities Rule 14.1(b), which provides, among other things, that the books and records of NYSE Arca Equities are subject to the oversight of the NYSE Arca pursuant to the Act, and that the books and records of NYSE Arca Equities shall be subject at all times to inspection and copying by NYSE Arca. NYSE Arca Equities Rule 14.3(a) provides, among other things, that the books and records of NYSE Arca, LLC are deemed to be the books and records of NYSE Arca and NYSE Arca Equities for purposes of and subject to oversight pursuant to the Exchange Act.

NYSE Arca and NYSE National do not have regulatory authority or oversight over each other.[22]

Definition of ''Member''

The Exchanges propose to add as Section A.8., Article V of the ICE Certificate a new term, ''Member,'' which would be defined as '' a Person that is a 'member' of an Exchange within the meaning of Section 3(a)(3)(A) of the Exchange Act.'' [23] The Exchanges note that Section A.3., Article V of the ICE Certificate currently includes provisions setting forth the different categories of members and permit holders of NYSE, NYSE Arca, NYSE Arca Equities, and NYSE MKT, respectively.[24] The Exchanges believe that using ''Member'' in place of specifying the categories of members and permit holders would simplify the provisions in the ICE Certificate and avoid exchange-by-exchange descriptions, without making a substantive change.[25] The Exchanges represent that each of the categories listed—an ETP Holder of NYSE Arca Equities (as defined in the NYSE Arca Equities rules of NYSE Arca); an OTP Holder or OTP Firm of NYSE Arca (each as defined in the rules of NYSE Arca); a ''member'' or ''member organization'' of NYSE (as defined in the rules of the NYSE) and NYSE MKT—is a ''member'' of an exchange within the meaning of Section 3(a)(3)(A) of the Exchange Act.[26] As a result of the proposed change, Sections A.3.(c)(ii) and (d)(ii), Article V of the ICE Certificate would require, in the case of a person seeking approval to exercise voting rights in excess of 20% of the outstanding votes, that neither such person nor any of its Related Persons [27] is a Member of any Exchange, instead of referring to the different categories of membership recognized by each Exchange.[28] Similarly, the conditions relating to a person seeking approval to exceed the ownership concentration limitation in Section B.3.(d), Article V of the ICE Certificate would be rephrased in the same manner. The Exchanges represent that use of ''Member'' would permit a simplification, without substantive change, of the portion of the definition of the term ''Related Persons'' relating to members and trading permit holders.[29] The Exchanges also state that the use of ''Member'' would be appropriate because it would align the provisions of the ICE Certificate with the voting and ownership concentration limits in the certificates of incorporation of other publicly traded companies that own one or more national securities exchanges and that use a similar description of membership.[30]

Obsolete References and Technical Corrections

The Exchanges propose to amend Clause (A) of Article X of the ICE Certificate, which requires the vote of 80% of all outstanding shares entitled to vote in order to reduce the voting requirement set forth in Section 11.2(b) of the ICE Bylaws. The Exchanges note that Section 11.2(b) of the ICE Bylaws was deleted in 2015 after the sale by ICE of the Euronext business.[31] Accordingly, the Exchanges propose to delete the requirement.

The ICE Certificate also includes references to NYSE Market (DE), Inc., defined as ''NYSE Market,'' and NYSE Regulation, Inc. (''NYSE Regulation''). The Exchanges represent that NYSE Market and NYSE Regulation were previously parties to a Delegation Agreement whereby the NYSE delegated certain regulatory functions to NYSE Regulation and certain market functions to NYSE Market, but that the Delegation Agreement was terminated when the NYSE re-integrated its regulatory and market functions.[32] As a result, the Exchanges represent that the two entities ceased being regulated subsidiaries, and NYSE Regulation was subsequently merged out of existence.[33] Therefore, the Exchanges propose to delete all references to NYSE Market and NYSE Regulation from the ICE Certificate.[34]

The Exchanges also state that Article XII of the ICE Bylaws was added in connection with the acquisition of NYSE National, previously National Stock Exchange, Inc., in 2016.[35] The Exchanges propose to delete Article XII of the ICE Bylaws in its entirety because they represent that the substance of Article XII would be addressed by various proposed amendments to the ICE Certificate. As a result, the Exchanges note that Article XII of the ICE Bylaws no longer would be necessary.[36]

The Exchanges further note that the ICE Bylaws refer to a ''Vice Chairman of the Board.'' [37] The Exchanges represent that the Board of Directors of ICE has not had a Vice Chairman since the sale of the Euronext business in 2014.[38] Accordingly, in Sections 2.9, 3.6(b) and 3.8 of the ICE Bylaws, the Exchanges propose to replace ''Vice Chairman of the Board'' with ''lead independent director.'' As a result, the lead independent director would preside over meetings of stockholders in the absence of the Chairman of the Board (Section 2.9); would have the authority to call a special meeting of the Board of Directors (Section 3.6(b)); and would preside over meetings of the Board of Directors in the absence of the Chairman of the Board (Section 3.8).[39]

The Exchanges note that Section 3.14 of the ICE Bylaws sets forth considerations directors must take into account in discharging their responsibilities as members of ICE's Board of Directors.[40] The Exchanges

[22] *See* NYSE Notice, *supra* note 4 at 18041; NYSE Arca Notice, *supra* note 4 at 18035; NYSE MKT Notice, *supra* note 4 at 18055; and NYSE National Notice, *supra* note 4 at 18064.

[23] 15 U.S.C. 78(c)(a)(3)(A).

[24] *See* ICE Certificate, Article V, Section A.3.(c)(ii) and (d)(ii) and Section A.9. *See also* NYSE Notice, *supra* note 4 at 18039; NYSE Arca Notice, *supra* note 4 at 18033; NYSE MKT Notice, *supra* note 4 at 18053; and NYSE National Notice, *supra* note 4 at 18062.

[25] *See* NYSE Notice, *supra* note 4 at 18039; NYSE Arca Notice, *supra* note 4 at 18033; NYSE MKT Notice, *supra* note 4 at 18053; and NYSE National Notice, *supra* note 4 at 18062.

[26] *Id.*

[27] The term ''Related Persons'' would be defined in Section A.10., Article V of the amended ICE Certificate.

[28] *See* NYSE Notice, *supra* note 4 at 18039; NYSE Arca Notice, *supra* note 4 at 18033; NYSE MKT Notice, *supra* note 4 at 18053; and NYSE National Notice, *supra* note 4 at 18062.

[29] *See* NYSE Notice, *supra* note 4 at 18039; NYSE Arca Notice, *supra* note 4 at 18033; NYSE MKT Notice, *supra* note 4 at 18053; and NYSE National Notice, *supra* note 4 at 18062–63.

[30] *See* NYSE Notice, *supra* note 4 at 18039; NYSE Arca Notice, *supra* note 4 at 18033; NYSE MKT Notice, *supra* note 4 at 18053; and NYSE National Notice, *supra* note 4 at 18063.

[31] *See* Securities Exchange Act Release No. 74928 (May 12, 2015), 80 FR 28331 (May 18, 2015) (SR–NYSE–2015–18). *See also* NYSE Notice, *supra* note 4 at 18040; NYSE Arca Notice, *supra* note 4 at 18034; NYSE MKT Notice, *supra* note 4 at 18054; and NYSE National Notice, *supra* note 4 at 18063.

[32] *See* Securities Exchange Act Release No. 75991 (September 28, 2015), 80 FR 59837 (October 2, 2015) (SR–NYSE–2015–27). *See also* NYSE Notice, *supra* note 4 at 18040; NYSE Arca Notice, *supra* note 4 at 18034; NYSE MKT Notice, *supra* note 4 at 18054; and NYSE National Notice, *supra* note 4 at 18063–64.

[33] *See* NYSE Notice, *supra* note 4 at 18040; NYSE Arca Notice, *supra* note 4 at 18034; NYSE MKT Notice, *supra* note 4 at 18054; and NYSE National Notice, *supra* note 4 at 18064.

[34] *Id.*

[35] *See* Securities Exchange Act Releases Nos. 79902 (January 30, 2017), 82 FR 9258 (February 3, 2017) (SR–NSX–2016–16); and 79901 (January 30, 2017), 82 FR 9251 (February 3, 2017) (SR–NYSE–2016–90, SR–NYSEArca–2016–167, SR–NYSEMKT–2016–122). *See also* NYSE Notice, *supra* note 4 at 18041; NYSE Arca Notice, *supra* note 4 at 18035; NYSE MKT Notice, *supra* note 4 at 18055; and NYSE National Notice, *supra* note 4 at 18064.

[36] *See* NYSE Notice, *supra* note 4 at 18041; NYSE Arca Notice, *supra* note 4 at 18035; NYSE MKT Notice, *supra* note 4 at 18055; and NYSE National Notice, *supra* note 4 at 18064.

[37] *See* NYSE Notice, *supra* note 4 at 18042; NYSE Arca Notice, *supra* note 4 at 18036; NYSE MKT Notice, *supra* note 4 at 18056; and NYSE National Notice, *supra* note 4 at 18065.

[38] *Id.*

[39] *Id.*

[40] *Id.*

propose to amend the last sentence of Section 3.14(c), which limits claims against directors, officers and employees of ICE and against ICE.[41] The revised text would be expanded in scope to apply to any ''past or present stockholder, employee, beneficiary, agent, customer, creditor, community or regulatory authority or member thereof or other person or entity,'' and to protect agents of ICE as well as directors, officers and employees. The Exchanges represent that these changes would conform the provision to similar provisions in the governing documents of other holding companies of national securities exchanges.[42]

The Exchanges also propose that a reference to ''Article II of these Bylaws'' in Section 3.12 of the ICE Bylaws relating to the conduct of meetings of committees of the Board of Directors of ICE be corrected to read ''this Article III of these Bylaws.'' [43] Finally, the Exchanges note that conforming changes would be made to the title and date of the ICE Bylaws.[44]

Meetings of Stockholders

The Exchanges also propose to amend several sections of Article II (Meetings of Stockholders) of the ICE Bylaws.[45] Specifically, the Exchanges propose to simplify Section 2.1 of the ICE Bylaws, which relates to the location of stockholder meetings.[46] The Exchanges represent that the revised provision would provide that the location, if any, as well as the decision to hold a stockholder meeting solely by remote communication, would be determined by the Board of Directors and stated in the notice of meeting.[47]

The Exchanges further propose to amend Section 2.7 of the ICE Bylaws, which relates to the quorum for stockholder meetings.[48] The Exchanges propose to conform the quorum requirements in the ICE Bylaws to those in the ICE Certificate by amending this provision to refer to Section B of Article IX of the ICE Certificate, which sets forth the quorum requirements for meetings of the stockholders.[49]

The Exchanges also propose to amend Section 2.13(b) of the ICE Bylaws, which sets forth the advance notice requirements for stockholder proposals, to simplify certain provisions of the Bylaws by using the term ''Nominee Holder'' where appropriate.[50] The Exchanges also propose to add a new defined term, ''Proponent,'' to capture both stockholders and Nominee Holders who bring matters before the annual meeting of stockholders, and to amend the ICE Bylaws to use the term ''Proponent'' where appropriate.[51] Finally, the Exchanges propose to make several clarifying revisions to Section 2.13(b) of the ICE Bylaws.

III. Discussion and Commission Findings

Section 19(b) of the Act and Rule 19b-4 thereunder requires a self-regulatory organization (''SRO'') to file proposed rule changes with the Commission. Although ICE is not a SRO, certain provisions of its amended and restated Certificate of Incorporation and amended and restated Bylaws are rules of the Exchanges [52] if they are stated policies, practices, or interpretations, as defined in Rule 19b–4 under the Act, of the Exchanges, and must be filed with the Commission pursuant to Section 19(b)(4) of the Act and Rule 19b–4 thereunder. Accordingly, the Exchanges have filed the proposed changes to the ICE Certificate and the ICE Bylaws with the Commission.

After careful review, the Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges.[53] Specifically, the Commission finds that the proposed rule changes are consistent with Section 6(b)(1) of the Act,[54] which, among other things, requires an exchange to be so organized and have the capacity to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the exchange. The proposed rule changes also are consistent with Section 6(b)(5) of the Act,[55] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, 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, and are not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

The Exchanges propose to amend various provisions of the ICE Certificate and ICE Bylaws to replace references to the defined term ''U.S. Regulated Subsidiaries'' with the term ''Exchange,'' which would be defined as a national securities exchange registered under Section 6 of the Exchange Act [56] that is directly or indirectly controlled by ICE, and to delete references to other subsidiaries of ICE that are not Exchanges. The Exchanges also propose to replace references in the ICE Certificate and ICE Bylaws to ICE Holdings, NYSE Holdings and NYSE Group with the defined term ''Intermediate Holding Companies,'' and to adopt a new definition of ''Member'' to be used in place of the list of categories of members and permit holders that are specific to each Exchange and are listed in the ICE Certificate. The Exchanges also propose to delete obsolete references in the ICE Certificate and ICE Bylaws. The Commission believes that these amendments to the ICE Certificate and ICE Bylaws are consistent with Section 6(b)(1) of the Exchange Act, because the amendments clarify references in the ICE Certificate and ICE Bylaw to entities that are or control national securities exchanges. The proposed changes to the ICE Certificate also should simplify references in the ICE Certificate which

[41] *See* NYSE Notice, *supra* note 4 at 18042; NYSE Arca Notice, *supra* note 4 at 18036; NYSE MKT Notice, *supra* note 4 at 18056; and NYSE National Notice, *supra* note 4 at 18065–66.

[42] *See* NYSE Notice, *supra* note 4 at 18042; NYSE Arca Notice, *supra* note 4 at 18036; NYSE MKT Notice, *supra* note 4 at 18056; and NYSE National Notice, *supra* note 4 at 18066.

[43] *Id.*

[44] *Id.*

[45] *See* NYSE Notice, *supra* note 4 at 18041–42; NYSE Arca Notice, *supra* note 4 at 18035–36; NYSE MKT Notice, *supra* note 4 at 18055–56; and NYSE National Notice, *supra* note 4 at 18064–65.

[46] *See* NYSE Notice, *supra* note 4 at 18041; NYSE Arca Notice, *supra* note 4 at 18035; NYSE MKT Notice, *supra* note 4 at 18055; and NYSE National Notice, *supra* note 4 at 18064.

[47] *See* NYSE Notice, *supra* note 4 at 18041; NYSE Arca Notice, *supra* note 4 at 18035; NYSE MKT Notice, *supra* note 4 at 18055; and NYSE National Notice, *supra* note 4 at 18065.

[48] *Id.*

[49] *Id.*

[50] *See* NYSE Notice, *supra* note 4 at 18041–42; NYSE Arca Notice, *supra* note 4 at 18035; NYSE MKT Notice, *supra* note 4 at 18055; and NYSE National Notice, *supra* note 4 at 18065.

[51] *See* NYSE Notice, *supra* note 4 at 18042; NYSE Arca Notice, *supra* note 4 at 18035–36; NYSE MKT Notice, *supra* note 4 at 18055–56; and NYSE National Notice, *supra* note 4 at 18065.

[52] *See* 15 U.S.C. 78c(a)(27). If ICE decides to amend or repeal any provision of the ICE Certificate or ICE Bylaws, ICE must submit such amendment or repeal to the Board of Directors of each Exchange, and if any or all of such Boards of Directors shall determine that such amendment or repeal must be filed with or filed with and approved by the Commission pursuant to Section 19 of the Act and the rules thereunder, such amendment or repeal shall not be effectuated until filed with or filed with and approved by the Commission, as the case may be. *See* Article X, ICE Certificate and Section 11.3, ICE Bylaws, with proposed revisions.

[53] In approving these proposed rule changes, the Commission has considered the proposed rules' impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[54] 15 U.S.C. 78f(b)(1).

[55] 15 U.S.C. 78f(b)(5).

[56] 15 U.S.C. 78f.

apply to ''Members'' of a national securities exchange without any substantive change to the application of those provisions. The Commission also believes that it is appropriate for the Exchanges to delete obsolete or inaccurate references in the ICE Certificate and ICE Bylaws.

The Exchanges further propose to amend the ICE Bylaws provisions relating to the location of stockholder meetings; the quorum for stockholder meetings; the advance notice requirements for stockholder proposals brought forth at stockholder meetings; and to adopt the term ''Proponent,'' to refer to stockholders and nominees that propose to bring matters before the annual meeting of stockholders. The Commission believes that the amendments are consistent with the requirements of Section 6(b)(5) of the Act,[57] which requires, among other things, that the rules of a national securities exchange remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed changes clarify the rules applicable to shareholder meetings and the entities that can bring matters before an annual meeting of shareholders.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule changes (SR–NYSE–2017–13; SR–NYSEArca–2017–29; SR–NYSEMKT–2017–17; SR–NYSENAT–2017–01), as modified by Amendment No. 1 thereto, are approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[58]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–11141 Filed 5–30–17; 8:45 am]

BILLING CODE 8011–01–P

[57] 15 U.S.C. 78f(b)(5).

[58] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80758; File No. SR–PEARL–2017–24]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend MIAX PEARL Rule 510 To Extend the Penny Pilot Program

May 24, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 16, 2017, MIAX PEARL, LLC (''MIAX PEARL'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rule 510, Interpretations and Policies .01, to extend the pilot program for the quoting and trading of certain options in pennies.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/rule-filings/pearl* at MIAX PEARL's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is a participant in an industry-wide pilot program that provides for the quoting and trading of certain option classes in penny increments (the ''Penny Pilot Program'' or ''Program''). The Penny Pilot Program allows the quoting and trading of certain option classes in minimum increments of $0.01 for all series in such option classes with a price of less than $3.00; and in minimum increments of $0.05 for all series in such option classes with a price of $3.00 or higher. Options overlying the PowerShares QQQ™ (''QQQ''), SPDR® S&P 500® ETF (''SPY''), and iShares® Russell 2000 ETF (''IWM''), however, are quoted and traded in minimum increments of $0.01 for all series regardless of the price. The Penny Pilot Program was initiated at the then existing option exchanges in January 2007[3] and currently includes more than 300 of the most active option classes. The Penny Pilot Program is currently scheduled to expire on June 30, 2017.[4] The purpose of the proposed rule change is to extend the Penny Pilot Program in its current format through December 31, 2017.

In addition to the extension of the Penny Pilot Program through December 31, 2017, the Exchange proposes to extend one other date in the Rule. Currently, Interpretations and Policies .01 states that the Exchange will replace any Penny Pilot issues that have been delisted with the next most actively traded multiply listed option classes that are not yet included in the Penny Pilot Program, and that the replacement issues will be selected based on trading activity in the previous six months. Such option classes will be added to the Penny Pilot Program on the second trading day following January 1, 2017.[5] Because this date has expired and the Exchange intends to continue this practice for the duration of the Penny Pilot Program, the Exchange is proposing to amend the Rule to reflect that such option classes will be added to the Penny Pilot Program on the second trading day following July 1, 2017.

The purpose of this provision is to reflect the new date on which replacement issues may be added to the Penny Pilot Program.

2. Statutory Basis

MIAX PEARL believes that its proposed rule change is consistent with Section 6(b) of the Act[6] in general, and furthers the objectives of Section 6(b)(5)

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release Nos. 55154 (January 23, 2007), 72 FR 4743 (February 1, 2007) (SR–CBOE–2006–92); 55161 (January 24, 2007), 72 FR 4754 (February 1, 2007) (SR–ISE–2006–62); 54886 (December 6, 2006), 71 FR 74979 (December 13, 2006) (SR–Phlx–2006–74); 54590 (October 12, 2006), 71 FR 61525 (October 18, 2006) (SR–NYSEArca–2006–73); and 54741 (November 9, 2006), 71 FR 67176 (November 20, 2006) (SR–Amex–2006–106).

[4] *See* Securities Exchange Act Release No. 79778 (January 12, 2017), 82 FR 6662 (January 19, 2017) (SR–PEARL–2016–01) (extending the Penny Pilot Program to June 30, 2017).

[5] The month immediately preceding a replacement class's addition to the Pilot Program *i.e.,* June) is not used for purposes of the six-month analysis. For example, a replacement added on the second trading day following July 1, 2017, will be identified based on trading activity from December 1, 2016, through May 31, 2017.

[6] 15 U.S.C. 78f(b).

of the Act [7] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

In particular, the proposed rule change, which extends the Penny Pilot Program for six months, allows the Exchange to continue to participate in a program that has been viewed as beneficial to traders, investors and public customers and viewed as successful by the other options exchanges participating in it.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that, by extending the expiration of the Pilot Program, the proposed rule change will allow for further analysis of the Penny Pilot Program and a determination of how the Program should be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace, facilitating investor protection, and fostering a competitive environment. In addition, consistent with previous practices, the Exchange believes the other options exchanges will be filing similar extensions of the Penny Pilot Program.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act [8] and Rule 19b–4(f)(6) [9] thereunder.

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–PEARL–2017–24 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–PEARL–2017–24. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–PEARL–2017–24 and should be submitted on or before June 21, 2017. For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Eduardo A. Aleman,

Assistant Secretary.

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[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80756; File No. SR–Nasdaq–2017–049]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Penny Pilot Program

May 24, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder, [2] notice is hereby given that on May 11, 2017, The NASDAQ Stock Market LLC (''Nasdaq'' 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 Chapter VI, Section 5 (Minimum Increments) [3] of the rules of the NASDAQ Options Market (''NOM'') to extend through December 31, 2017 or the date of permanent approval, if

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] References herein to Chapter and Series refer to rules of the NASDAQ Options Market (''NOM''), unless otherwise noted.

earlier, the Penny Pilot Program in options classes in certain issues (''Penny Pilot'' or ''Pilot''), and to change the date when delisted classes may be replaced in the Penny Pilot.[4]

Proposed new language is *underlined* and proposed deleted language is [bracketed].

NASDAQ Stock Market Rules

Options Rules

* * * * *

Chapter VI Trading Systems

* * * * *

Sec. 5 Minimum Increments

(a) The Board may establish minimum quoting increments for options contracts traded on NOM. Such minimum increments established by the Board will be designated as a stated policy, practice, or interpretation with respect to the administration of this Section within the meaning of Section 19 of the Exchange Act and will be filed with the SEC as a rule change for effectiveness upon filing. Until such time as the Board makes a change in the increments, the following principles shall apply:

(1)–(2) No Change.

(3) For a pilot period scheduled to expire on [June 30, 2017] *December 31, 2017* or the date of permanent approval, if earlier, if the options series is trading pursuant to the Penny Pilot program one (1) cent if the options series is trading at less than $3.00, five (5) cents if the options series is trading at $3.00 or higher, unless for QQQQs, SPY and IWM where the minimum quoting increment will be one cent for all series regardless of price. A list of such options shall be communicated to membership via an Options Trader Alert (''OTA'') posted on the Exchange's Web site.

The Exchange may replace any pilot issues that have been delisted with the next most actively traded multiply listed options classes that are not yet included in the pilot, based on trading activity in the previous six months. The replacement issues may be added to the pilot on the second trading day following [January 1, 2017] *July 1, 2017.*

(4) No Change.

(b) No Change.

* * * * *

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com/nasdaq/filings/nasdaq-filings/chp_1_1/chp_1_1_1/default.asp,* 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 this filing is to amend Chapter VI, Section 5, to extend the Penny Pilot through December 31, 2017 or the date of permanent approval, if earlier,[5] and to change the date when delisted classes may be replaced in the Penny Pilot. The Exchange believes that extending the Penny Pilot will allow for further analysis of the Penny Pilot and a determination of how the program should be structured in the future.

Under the Penny Pilot, the minimum price variation for all participating options classes, except for the Nasdaq-100 Index Tracking Stock (''QQQQ''), the SPDR S&P 500 Exchange Traded Fund (''SPY'') and the iShares Russell 2000 Index Fund (''IWM''), is $0.01 for all quotations in options series that are quoted at less than $3 per contract and $0.05 for all quotations in options series that are quoted at $3 per contract or greater. QQQQ, SPY and IWM are quoted in $0.01 increments for all options series. The Penny Pilot is currently scheduled to expire on June 30, 2017.

The Exchange proposes to extend the time period of the Penny Pilot through December 31, 2017 or the date of permanent approval, if earlier, and to provide a revised date for adding replacement issues to the Penny Pilot. The Exchange proposes that any Penny Pilot Program issues that have been delisted may be replaced on the second trading day following July 1, 2017. The replacement issues will be selected based on trading activity in the previous six months.[6]

This filing does not propose any substantive changes to the Penny Pilot Program; all classes currently participating in the Penny Pilot will remain the same and all minimum increments will remain unchanged. The Exchange believes the benefits to public customers and other market participants who will be able to express their true prices to buy and sell options have been demonstrated to outweigh the potential increase in quote traffic.

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 prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and 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.

In particular, the proposed rule change, which extends the Penny Pilot for an additional six months through December 31, 2017 or the date of permanent approval, if earlier, and changes the date for replacing Penny Pilot issues that were delisted to the second trading day following July 1, 2017, will enable public customers and

[4] The Penny Pilot was established in March 2008 and was last extended in 2016. *See* Securities Exchange Act Release Nos. 57579 (March 28, 2008), 73 FR 18587 (April 4, 2008) (SR–NASDAQ–2008–026); 75283 (June 24, 2015), 80 FR 37347 (June 30, 2015) (SR–NASDAQ–2015–063) (notice of filing and immediate effectiveness establishing Penny Pilot); 78037 (June 10, 2016), 81 FR 39299 (June 16, 2016) (SR–NASDAQ–2016–052) (notice of filing and immediate effectiveness extending the Penny Pilot through December 31, 2016); and 79433 (November 30, 2016), 81 FR 87995 (December 6, 2016) (SR–Nasdaq–2016–160) (notice of filing and immediate effectiveness of proposed rule change to amend Chapter VI, Section 5 to extend the Penny Pilot Program).

[5] The options exchanges in the U.S. that have pilot programs similar to the Penny Pilot (together ''pilot programs'') are currently working on a proposal for permanent approval of the respective pilot programs.

[6] The replacement issues will be announced to the Exchange's membership via an Options Trader Alert (OTA) posted on the Exchange's Web site. Penny Pilot replacement issues will be selected based on trading activity in the previous six months, as is the case today. The replacement issues would be identified based on The Options Clearing Corporation's trading volume data. For example, for the July replacement, trading volume from December 1, 2016 through May 30 [sic], 2017 would be analyzed. The Commission notes that for the July replacement, the Exchange will analyze data through May 31, 2017, not May 30, 2017. The month immediately preceding the replacement issues' addition to the Pilot Program (*i.e.,* June) would not be used for purposes of the six-month analysis.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

other market participants to express their true prices to buy and sell options for the benefit of all market participants. This is consistent with the Act.

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. To the contrary, this proposal is pro-competitive because it allows Penny Pilot issues to continue trading on the Exchange.

Moreover, the Exchange believes that the proposed rule change will allow for further analysis of the Pilot and a determination of how the Pilot should be structured in the future; and will serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

The Pilot is an industry-wide initiative supported by all other option exchanges. The Exchange believes that extending the Pilot will allow for continued competition between market participants on the Exchange trading similar products as their counterparts on other exchanges, while at the same time allowing the Exchange to continue to compete for order flow with other exchanges in option issues trading as part of the Pilot.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [9] and subparagraph (f)(6) of Rule 19b–4 thereunder.[10]

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Nasdaq–2017–049 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–Nasdaq–2017–049. This file number should be included on the subject line if email is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).*

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–Nasdaq–2017–049 and should be submitted on or before June 21, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–11145 Filed 5–30–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80755; File No. SR–Phlx–2017–36]

Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Penny Pilot Program

May 24, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 11, 2017, NASDAQ PHLX LLC (''Phlx'' 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 Phlx Rule 1034 (Minimum Increments),[3] to extend through December 31, 2017 or the date of permanent approval, if earlier, the Penny Pilot Program in options classes in certain issues (''Penny Pilot'' or ''Pilot''), and to change the date when delisted classes may be replaced in the Penny Pilot.[4]

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] References herein to rules refer to rules of Phlx, unless otherwise noted.

[4] The Penny Pilot was established in January 2007 and was last extended in 2016. *See* Securities Exchange Act Release Nos. 55153 (January 23, 2007), 72 FR 4553 (January 31, 2007) (SR–Phlx–2006–74); 75286 (June 24, 2015), 80 FR 37333 (June 30, 2015) (SR–Phlx–2015–54) (notice of filing and approval order establishing Penny Pilot); 78060 (June 14, 2016), 81 FR 39979 (June 20, 2016) (SR–Phlx–2016–47) (notice of filing and immediate

Continued

Proposed new language is *underlined* and proposed deleted language is [bracketed].

NASDAQ PHLX Rules

Options Rules

* * * * *

Rule 1034. Minimum Increments

(a) Except as provided in sub-paragraphs (i)(B) and (iii) below, all options on stocks, index options, and Exchange Traded Fund Shares quoting in decimals at $3.00 or higher shall have a minimum increment of $.10, and all options on stocks and index options quoting in decimals under $3.00 shall have a minimum increment of $.05.

(i)(A) No Change.

(B) For a pilot period scheduled to expire [June 30, 2017] *December 31, 2017* or the date of permanent approval, if earlier (the ''pilot''), certain options shall be quoted and traded on the Exchange in minimum increments of $0.01 for all series in such options with a price of less than $3.00, and in minimum increments of $0.05 for all series in such options with a price of $3.00 or higher, except that options overlying the PowerShares QQQ Trust (''QQQQ'')®, SPDR S&P 500 Exchange Traded Funds (''SPY''), and iShares Russell 2000 Index Funds (''IWM'') shall be quoted and traded in minimum increments of $0.01 for all series regardless of the price. A list of such options shall be communicated to membership via an Options Trader Alert (''OTA'') posted on the Exchange's Web site.

The Exchange may replace any pilot issues that have been delisted with the next most actively traded multiply listed options classes that are not yet included in the pilot, based on trading activity in the previous six months. The replacement issues may be added to the pilot on the second trading day following [January 1, 2017] *July 1, 2017.*

(C) No Change.

(ii)–(v) No Change.

* * * * *

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.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 this filing is to amend Phlx Rule 1034 to extend the Penny Pilot through December 31, 2017 or the date of permanent approval, if earlier,[5] and to change the date when delisted classes may be replaced in the Penny Pilot. The Exchange believes that extending the Penny Pilot will allow for further analysis of the Penny Pilot and a determination of how the program should be structured in the future.

Under the Penny Pilot, the minimum price variation for all participating options classes, except for the Nasdaq-100 Index Tracking Stock (''QQQQ''), the SPDR S&P 500 Exchange Traded Fund (''SPY'') and the iShares Russell 2000 Index Fund (''IWM''), is $0.01 for all quotations in options series that are quoted at less than $3 per contract and $0.05 for all quotations in options series that are quoted at $3 per contract or greater. QQQQ, SPY and IWM are quoted in $0.01 increments for all options series. The Penny Pilot is currently scheduled to expire on June 30, 2017.

The Exchange proposes to extend the time period of the Penny Pilot through December 31, 2017 or the date of permanent approval, if earlier, and to provide a revised date for adding replacement issues to the Penny Pilot. The Exchange proposes that any Penny Pilot Program issues that have been delisted may be replaced on the second trading day following July 1, 2017. The replacement issues will be selected based on trading activity in the previous six months.[6]

This filing does not propose any substantive changes to the Penny Pilot Program; all classes currently participating in the Penny Pilot will remain the same and all minimum increments will remain unchanged. The Exchange believes the benefits to public customers and other market participants who will be able to express their true prices to buy and sell options have been demonstrated to outweigh the potential increase in quote traffic.

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 prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and 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.

In particular, the proposed rule change, which extends the Penny Pilot for an additional six months through December 31, 2017 or the date of permanent approval, if earlier, and changes the date for replacing Penny Pilot issues that were delisted to the second trading day following July 1, 2017, will enable public customers and other market participants to express their true prices to buy and sell options for the benefit of all market participants. This is consistent with the Act.

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

effectiveness extending the Penny Pilot through December 31, 2016); and 79425 (November 29, 2016), 81 FR 87633 (December 5, 2016) (SR–Phlx–2016–115) (notice of filing and immediate effectiveness of proposed rule change to extend the Penny Pilot Program).

[5] The options exchanges in the U.S. that have pilot programs similar to the Penny Pilot (together ''pilot programs'') are currently working on a proposal for permanent approval of the respective pilot programs.

[6] The replacement issues will be announced to the Exchange's membership via an Options Trader Alert (OTA) posted on the Exchange's Web site. Penny Pilot replacement issues will be selected based on trading activity in the previous six months, as is the case today. The replacement issues would be identified based on The Options Clearing Corporation's trading volume data. For example, for the July replacement, trading volume from December 1, 2016 through May 30 [sic], 2017 would be analyzed. The Commission notes that for the July replacement, the Exchange will analyze data through May 31, 2017, not May 30, 2017. The month immediately preceding the replacement issues' addition to the Pilot Program (*i.e.,* June) would not be used for purposes of the six-month analysis.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

of the purposes of the Act. To the contrary, this proposal is pro-competitive because it allows Penny Pilot issues to continue trading on the Exchange.

Moreover, the Exchange believes that the proposed rule change will allow for further analysis of the Pilot and a determination of how the Pilot should be structured in the future; and will serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

The Pilot is an industry-wide initiative supported by all other option exchanges. The Exchange believes that extending the Pilot will allow for continued competition between market participants on the Exchange trading similar products as their counterparts on other exchanges, while at the same time allowing the Exchange to continue to compete for order flow with other exchanges in option issues trading as part of the Pilot.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [9] and subparagraph (f)(6) of Rule 19b–4 thereunder.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2017–36 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–Phlx–2017–36. This file number should be included on the subject line if email is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–Phlx–2017–36 and should be submitted on or before June 21, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–11144 Filed 5–30–17; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80754; File No. SR–CHX–2017–10]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify Certain Appendix B Web Site Publication Requirements Pursuant to the Regulation NMS Plan To Implement a Tick Size Pilot Program

May 24, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that on May 15, 2017, the Chicago Stock Exchange, Inc. (''CHX'' or the ''Exchange'') 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 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

CHX proposes to amend Article 20, Rule 13(b) of the Rules of the Exchange (''CHX Rules'') to modify certain Appendix B Web site data publication requirements pursuant to the Regulation NMS Plan to Implement a Tick Size Pilot Program (''Plan'').

The text of this proposed rule change is available on the Exchange's Web site at (*www.chx.com*) and in 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 CHX included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received on the proposed rule change. The text of these

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

statements may be examined at the places specified in Item IV below. The CHX 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

Article 20, Rule 13(b) (Compliance with Data Collection Requirements) [3] implements the data collection and Web site publication requirements of the Plan.[4] Article 20, Rule 13(b)(2)(A) requires, among other things, that a CHX Participant [5] that operates a Trading Center subject to the Plan and for which the Exchange is the designated examining authority (''DEA'') shall collect and transmit to the Exchange data described under Items I and II of Appendix B of the Plan. Subparagraph (v) under Article 20, Rule 13(b)(2)(A) provides, among other things, that the Exchange shall publish such Appendix B.I. and B.II. data on the CHX Web site within 120 calendar days following month end at no charge and shall not identify the Trading Center that generated the data. Paragraph .08 of the Interpretations and Policies under Article 20, Rule 13(b) provides, among other things, that the requirement that the Exchange make certain data publicly available on the Exchange or DEA's Web site pursuant to Appendix B and C to the Plan shall commence at the beginning of the Pilot Period,[6] and that the Exchange shall make Appendix C.I data available to the Financial Industry Regulatory Authority (''FINRA'') for aggregation and publication on the FINRA Web site pursuant to FINRA Rules and the Exchange will publish Appendix B data on the Exchange Web site, which shall commence on August 31, 2017.[7]

The Exchange is proposing to amend certain provisions under Article 20, Rule 13(b) to comport to recent amendments to FINRA Rule 6191 [8] that were adopted to mitigate confidentiality concerns previously raised by commenters [9] regarding the publication of data related to over-the-counter (''OTC'') activity. Given that the Exchange is the DEA for a relatively small number of OTC Trading Centers, publishing their data, whether on an aggregated or a disaggregated basis, raises concerns that the identities of these Trading Centers could be determined. In order to address these concerns, pursuant to paragraph .15 of the Supplementary Materials of FINRA Rule 6191, FINRA will incorporate the firms for which the Exchange is the DEA into the anonymous, grouped masked methodology and publish OTC-wide statistics for Appendix B.I, B.II. and B.IV. data on the FINRA Web site.[10] The Exchange will publish Appendix B data with respect to any Trading Center operated by the Exchange on the Exchange Web site. Thus, the Exchange proposes to amend the CHX Rules as follows:

- Amend Article 20, Rule 13(b)(2)(A)(v) to modify the Web site publication requirement to provide that the Exchange shall make the Appendix B.I. and B.II. data collected pursuant to current Article 20, Rule 13(b)(2)(A) available to FINRA for aggregation and publication on the FINRA Web site pursuant to FINRA Rules.
- Amend paragraph .08 of the Interpretations and Policies of Article 20, Rule 13(b) to provide that notwithstanding the provisions of Article 20, Rule 13(b)(2) and (b)(3), with respect to data for the Pre-Pilot Period and the Pilot Period, the Exchange shall make the Appendix B.I. and B.II. data collected pursuant to Article 20, Rule 13(b)(2)(A) and the Appendix C.I. data collected pursuant to Article 20, Rule 13(b)(4)(A) available to FINRA for aggregation and publication on the FINRA Web site pursuant to FINRA Rules and the Exchange will publish Appendix B data with respect to any Trading Center operated by the Exchange on the Exchange Web site, which shall commence on August 31, 2017.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [11] in general, and furthers the objectives of Section 6(b)(5) of the Act [12] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Plan is designed to allow the Commission, market participants, and the public to study and assess the

[3] *See* Securities Exchange Act Release No. 79538 (December 13, 2016), 81 FR 91979 (December 19, 2016) (SR–CHX–2016–21); *see also* Securities Exchange Act Release No. 77469 (March 29, 2016), 81 FR 19275 (April 4, 2016) (SR–CHX–2016–03).

[4] The Plan Participants filed the Plan to comply with an order issued by the Commission on June 24, 2014. *See* Letter from Brendon J. Weiss, Vice President, Intercontinental Exchange, Inc., to Secretary, Commission, dated August 25, 2014 (''SRO Tick Size Plan Proposal''). *See* Securities Exchange Act Release No 72460 (June 24, 2014), 79 FR 36840 (June 30, 2014); *see also* Securities Exchange Act Release No. 74892 (May 6, 2015), 80 FR 27513 (May 13, 2015).

[5] A ''Participant'' is a ''member'' of the Exchange for purposes of the Act. *See* CHX Article 1, Rule 1(s). For clarity, the Exchange proposes to utilize the term ''CHX Participant'' when referring to members of the Exchange and the term ''Plan Participant'' when referring to Participants of the Plan.

[6] Unless otherwise defined herein, capitalized terms have the meaning ascribed to them in CHX Article 20, Rule 13.

[7] On November 30, 2016, the SEC granted exemptive relief to the Plan Participants to, among other things, delay the publication of Web site data pursuant to Appendices B and C to the Plan until February 28, 2017, and to delay the ongoing Web site publication by ninety days such that data would be published within 120 calendar days following the end of the month. *See* Letter from David S. Shillman, Associate Director, Division of Trading and Markets, Commission, to Marcia E. Asquith, Senior Vice President and Corporate Secretary, FINRA, dated November 30, 2016; *see also* SR–CHX–2016–21, *supra* note 3. The Exchange filed a proposed rule change for immediate effectiveness that, among other things, delayed the date by which Pre-Pilot and Pilot Appendix B data is to be made publicly available on the Exchange's Web site from February 28, 2017, until April 28, 2017. *See* Securities Exchange Act Release No. 80227 (March 13, 2017), 82 FR 14263 (March 17, 2017) (SR–CHX–2017–05). The Exchange recently filed a proposed rule change for immediate effectiveness that delayed the date by which Pre-Pilot and Pilot Appendix B data is to be made publicly available on the Exchange's Web site from April 28, 2017, until August 31, 2017. *See* Securities Exchange Act Release No. 80647 (May 10, 2017) (SR–CHX–2017–07). The SEC granted exemptive relief to the Plan Participants to delay the publication of their Appendix B data until August 31, 2017. *See* Letter from David S. Shillman, Associate Director, Division of Trading and Markets, Commission, to Jennifer Piorko Mitchell, Vice President and Deputy Corporate Secretary, FINRA, dated April 28, 2017.

[8] *See* Securities Exchange Act Release No. 80551 (April 28, 2017), 82 FR 20948 (May 4, 2017) (''Approval Order''); *see also* Securities Exchange Act Release No. 80193 (March 9, 2017), 82 FR 13901 (March 15, 2017) (SR–FINRA–2017–006); *see also infra* note 10.

[9] *See* Letter from William Hebert, Managing Director, Financial Information Forum (''FIF''), to Robert W. Errett, Deputy Secretary, Commission, dated December 21, 2016 (''FIF letter''); *see also* Letter from Adam C. Cooper, Senior Managing Director and Chief Legal Officer, Citadel Securities, to Brent J. Fields, Secretary, Commission, dated December 21, 2016 (''Citadel letter''); *see also* SR–CHX–2016–21, *supra* note 3.

[10] On April 28, 2017, the SEC granted exemptive relief to FINRA and CHX to permit the publication of Appendix B data related to OTC trading activity on an aggregated basis using the anonymous, grouped masking methodology adopted by FINRA. *See* Letter from David S. Shillman, Associate Director, Division of Trading and Markets, Commission, to Marcia E. Asquith, Executive Vice President Board and External Relations, FINRA, dated April 28, 2017; *see also* Approval Order, *supra* note 8.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

impact of increment conventions on the liquidity and trading of the common stock of small-capitalization companies. The Exchange believes that this proposal is consistent with the Act and Section VII(A) of the Plan because it mitigates confidentiality concerns regarding the identity of certain OTC Trading Centers for which the Exchange is the DEA.[13]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change implements the provisions of the Plan.

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

The Exchange asserts that the proposed rule change: (1) Will not significantly affect the protection of investors or the public interest, (2) will not impose any significant burden on competition, and (3) and will not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate. In addition, the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing, or such shorter time as designated by the Commission.[14]

The Exchange believes that the proposed rule change raises no novel issues. The Exchange notes that the proposed rule change is intended to address the requirement in Section VII(A) of the Plan that the data made publicly available will not identify the Trading Center that generated the data, as well as the confidentiality concerns raised in connection with the publication of Appendix B data.[15] The Exchange also notes that the proposal does not alter the information required to be submitted to the SEC. As such, the Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) of the Act[16] and paragraph (f)(6) of Rule 19b–4 thereunder.[17]

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 under Section 19(b)(2)(B) of the Act 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–CHX–2017–10 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–CHX–2017–10. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CHX–2017–10 and should be submitted on or before June 21, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–11143 Filed 5–30–17; 8:45 am]

BILLING CODE 8011–01–P

[13] *See supra* note 9.

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] *See supra* note 9.

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4.

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a closed meeting on Thursday, June 1, 2017 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(7), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matter at the closed meeting.

Chairman Clayton, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: May 25, 2017.

Brent J. Fields,

Secretary.

[FR Doc. 2017–11281 Filed 5–26–17; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80760; File No. SR–CBOE–2017–042]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Market-Maker Reports of Executed Orders

May 24, 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 May 15, 2017, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The 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 delete and amend outdated rule language contained in Rule 8.9(b) related to Market-Maker reports of executed orders. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

CBOE Rule 8.9(b) currently provides that:

''In a manner prescribed by the Exchange, with respect to transactions to be cleared into all accounts carried for Market-Makers who are the subject of a clearing firm Letter of Guarantee issued pursuant to [CBOE] Rule 8.5, each clearing firm shall, on the business day following order entry date, report to the Exchange every executed order entered by the Market-Maker for the purchase or sale of (i) a security underlying options traded on the Exchange or (ii) a security convertible into or exchangeable for such underlying security or (iii) a security traded on the Exchange (including, with respect to multiply listed securities, orders sent to another exchange), as well as opening and closing positions in all such securities held in each such account. If the clearing firm does not report any executed order, upon the request of the Exchange the Market-Maker who entered the order will be responsible for reporting the order information.''

The Exchange is deleting this rule and replacing it with a rule substantially similar to that of the International Securities Exchange, LLC [sic] (''ISE''); ISE Gemini, LLC [sic] (''ISE Gemini''); BATS Options Market (''BZX''); BOX Options Exchange, LLC (''BOX''); NASDAQ Options Market (''NOM''); and NASDAQ OMX BX, Inc. (''BX'').[3]

The proposed rule change will result in some specific changes. First of all, Clearing Firms holding accounts for Market-Makers subject to a clearing firm letter of guarantee will no longer be required to submit daily reports of orders entered by those Market-Maker accounts. In addition they will not be required to submit daily position reports. Instead, the proposed rule will provide that orders, entered by Market-Makers for the purchase of (i) a security underlying options traded on the Exchange, or (ii) a security convertible into or exchangeable for such underlying security, as well as opening and closing positions in all such securities shall be provided to the Exchange by Market-Makers upon request in a form prescribed by the Exchange. The obligation to provide order and position reports will be on the individual Market-Makers (as opposed to the clearing firms) and will only be required on an as needed basis. Previously, Market-Makers were responsible for reporting order information, when requested by the Exchange, if the clearing firm did not report on an executed order.

The proposed rule is also eliminating any requirement that either a Market-Maker or clearing firm provide order or positon reports for securities traded on the Exchange. The requirement to provide order or position reports for securities traded on the Exchange has been removed completely and this information will not be required even on an as needed basis pursuant to proposed Rule 8.9(b). ''Securities traded on the Exchange'' was a reference to when non-options transactions were traded on the CBOE. The CBOE deleted its rules related to non-options transactions on the Exchange in 2008.[4] Accordingly, the requirement to provide order or position reports for securities traded on the Exchange is obsolete.

Finally, the proposed rule outlines the form of the order reports to be provided by Market-Makers upon request. The proposed rule will require that the reports pertaining to orders must include the terms of each order, identification of the brokerage firms through which the orders were entered, the times of entry or cancellation, the times reports of execution were received and, if all or part of the order was executed, the quantity and execution price.

The Exchange believes current Rule 8.9(b) is outdated and operationally obsolete. The Exchange does not currently use the daily order and position reports from clearing firms. The daily order and position reports from clearing firms are no longer needed to conduct any routine regulatory surveillances or examinations or fulfill any other of the Exchange's regulatory obligations. Any regulatory surveillance or examination that previously used the daily order and position reports can be operated without the information due to the development of effective workarounds. As such, the rule, as currently written, presents an undue burden on clearing firms and Market-Makers.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* ISE Rule 807(b); ISE Gemini Rule 807(b); BZX Rule 22.7(b); BOX Rule 8060(b), NOM Rules Chapter 7, Section 7(b); BX Rules Chapter 7, Section 7(b).

[4] *See* Securities Exchange Act Release No. 58771 (October 10, 2008), 73 FR 62350 (October 20, 2008) (SR–CBOE–2008–101).

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[5] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change removes impediments and perfects the mechanism of a free and open market by deleting obsolete rule requirements related to daily order and position reports provided to the Exchange by clearing firms. The daily order and position reports are no longer needed in the normal course of the Exchange fulfilling its regulatory responsibilities. In the event order or position information related to Market-Maker activity in securities underlying options traded on the exchange is needed, the proposed rule provides that Market-Makers must provide those reports to the Exchange upon request. The proposed rule also perfects the mechanism of a free and open market by listing information that should be contained in the reports that are to be provided upon request of the Exchange. In addition, the proposed rule change is substantially similar to rules of other options exchanges.[8]

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 proposed rule raises neither intermarket nor intermarket competition issues, as it relates to the submission of reports to the Exchange for regulatory purposes. The proposed rule deletes obsolete rule language. The daily order and position reports from clearing firms are no longer needed to conduct any routine regulatory surveillances or examinations or fulfill any other of the Exchange's regulatory obligations. The proposed rule change removes this undue burden on clearing firms and Market-Makers and replaces it with a requirement substantially similar to that of other options exchanges.[9] The proposed requirement will apply to equally to all Market-Makers on the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6)[11] thereunder. 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 Number SR–CBOE–2017–042 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–CBOE–2017–042. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2017–042 and should be submitted on or before June 21, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–11149 Filed 5–30–17; 8:45 am]

BILLING CODE 8011–01–P

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] *Id.*

[8] *See supra* note 1 [sic].

[9] *Id.*

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80753; File No. SR–NYSE–2017–07; SR–NYSEMKT–2017–16]

Self-Regulatory Organizations; New York Stock Exchange LLC; NYSE MKT LLC; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Changes Amending NYSE Rule 36 and NYSE MKT Rule 36—Equities To Permit Exchange Floor Brokers To Use Non-Exchange Provided Telephones on the Floor

May 24, 2017.

On March 31, 2017 and March 22, 2017, New York Stock Exchange LLC (''NYSE'') and NYSE MKT LLC (''NYSE MKT,'' and each of NYSE and NYSE MKT an ''Exchange''), respectively, 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] proposed rule changes to permit Exchange floor brokers to use cellular or wireless telephones not provided by the Exchange while on the Floor of the Exchange and make related changes. The proposed rule changes were published for comment in the **Federal Register** on April 10, 2017.[3] No comments have been received on the proposed rule changes.

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 notices for these proposed rule changes is May 25, 2017. The Commission is extending this 45-day time period for Commission action on the proposed rule changes.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule changes so that it has sufficient time to consider these proposed rule changes. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] and for the reason noted above, designates July 9, 2017 as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule changes (File Nos. SR–NYSE–2017–07 and SR–NYSEMKT–2017–16).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–11142 Filed 5–30–17; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release Nos. 80374 (April 4, 2017), 82 FR 17306; and 80375 (April 4, 2017), 82 FR 17302.

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80757; File No. SR–MIAX–2017–23]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend MIAX Options Rule 510 To Extend the Penny Pilot Program

May 24, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 16, 2017, Miami International Securities Exchange, LLC (''MIAX Options'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rule 510, Interpretations and Policies .01 to extend the pilot program for the quoting and trading of certain options in pennies.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/rule-filings,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is a participant in an industry-wide pilot program that provides for the quoting and trading of certain option classes in penny increments (the ''Penny Pilot Program'' or ''Program''). The Penny Pilot Program allows the quoting and trading of certain option classes in minimum increments of $0.01 for all series in such option classes with a price of less than $3.00; and in minimum increments of $0.05 for all series in such option classes with a price of $3.00 or higher. Options overlying the PowerShares QQQ™ (''QQQ''), SPDR® S&P 500® ETF (''SPY''), and iShares® Russell 2000 ETF (''IWM''), however, are quoted and traded in minimum increments of $0.01 for all series regardless of the price. The Penny Pilot Program was initiated at the then existing option exchanges in January 2007 [3] and currently includes more than 300 of the most active option classes. The Penny Pilot Program is currently scheduled to expire on June 30, 2017.[4] The purpose of the proposed rule change is to extend the Penny Pilot Program in its current format through December 31, 2017.

In addition to the extension of the Penny Pilot Program through December 31, 2017, the Exchange proposes to extend one other date in the Rule.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release Nos. 55154 (January 23, 2007), 72 FR 4743 (February 1, 2007) (SR–CBOE–2006–92); 55161 (January 24, 2007), 72 FR 4754 (February 1, 2007) (SR–ISE–2006–62); 54886 (December 6, 2006), 71 FR 74979 (December 13, 2006) (SR–Phlx–2006–74); 54590 (October 12, 2006), 71 FR 61525 (October 18, 2006) (SR–NYSEArca–2006–73); and 54741 (November 9, 2006), 71 FR 67176 (November 20, 2006) (SR–Amex–2006–106).

[4] *See* Securities Exchange Act Release No. 79432 (November 30, 2016), 81 FR 87990 (December 6, 2016) (SR–MIAX–2016–45) (extending the Penny Pilot Program from December 31, 2016, to June 30, 2017).

Currently, Interpretations and Policies .01 states that the Exchange will replace any Penny Pilot issues that have been delisted with the next most actively traded multiply listed option classes that are not yet included in the Penny Pilot Program, and that the replacement issues will be selected based on trading activity in the previous six months. Such option classes will be added to the Penny Pilot Program on the second trading day following January 1, 2017.[5] Because this date has expired and the Exchange intends to continue this practice for the duration of the Penny Pilot Program, the Exchange is proposing to amend the Rule to reflect that such option classes will be added to the Penny Pilot Program on the second trading day following July 1, 2017.

The purpose of this provision is to reflect the new date on which replacement issues may be added to the Penny Pilot Program.

2. Statutory Basis

MIAX believes that its proposed rule change is consistent with Section 6(b) of the Act[6] in general, and furthers the objectives of Section 6(b)(5) of the Act[7] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

In particular, the proposed rule change, which extends the Penny Pilot Program for six months, allows the Exchange to continue to participate in a program that has been viewed as beneficial to traders, investors and public customers and viewed as successful by the other options exchanges participating in it.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that, by extending the expiration of the Pilot Program, the proposed rule change will allow for further analysis of the Penny Pilot Program and a determination of how the Program should be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace, facilitating investor protection, and fostering a competitive environment. In addition, consistent with previous practices, the Exchange believes the other options exchanges will be filing similar extensions of the Penny Pilot Program.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act[8] and Rule 19b&4(f)(6)[9] thereunder.

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–MIAX–2017–23 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–MIAX–2017–23. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–MIAX–2017–23 and should be submitted on or before June 21, 2017. For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Eduardo A. Aleman,

Assistant Secretary.

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BILLING CODE 8011–01–P

[5] The month immediately preceding a replacement class's addition to the Pilot Program (*i.e.,* June) is not used for purposes of the six-month analysis. For example, a replacement added on the second trading day following July 1, 2017, will be identified based on trading activity from December 1, 2016, through May 31, 2017.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80759; File No. SR–C2–2017–019]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Market-Maker Reports of Executed Orders

May 24, 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 May 15, 2017, C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The 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 outdated rule language contained in Rule 8.7(b) related to Market-Maker reports of orders. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

C2 Rule 8.7(b) currently provides that: ''Each Market-Maker shall, in the prescribed form, report to the Exchange every order entered by the Market-Maker for the purchase or sale of (i) a security underlying options traded on the Exchange, or (ii) a security convertible into or exchangeable for such underlying security, as well as opening and closing positions in all such securities held in each account reported pursuant to paragraph (a) of this Rule. The report pertaining to orders must include the terms of each order, identification of the brokerage firms through which the orders were entered, the times of entry or cancellation, the times report of execution were received and, if all or part of the order was executed, the quantity and execution price.''

The Exchange is amending Rule 8.7(b) so that it is substantially similar to that of the International Securities Exchange, LLC [sic] (''ISE''); ISE Gemini, LLC [sic] (''ISE Gemini''); BATS Options Market (''BZX''); BOX Options Exchange, LLC (''BOX'); NASDAQ Options Market (''NOM''); and NASDAQ OMX BX, Inc. (''BX'').[3]

As a result of the rule change, Market-Makers will no longer be required to submit daily reports of orders entered and/or opening and closing positions in underlying securities. Instead, the proposed rule will provide that orders, entered by Market-Makers for the purchase of (i) a security underlying options on the Exchange, or (ii) a security convertible into or exchangeable for such underlying security, as well as opening and closing positions in all such securities shall be provided to the Exchange by Market-Makers upon request in a form prescribed by the Exchange. The obligation to provide order and position reports will only be required on an as needed basis.

The Exchange believes current Rule 8.7(b) is outdated and operationally obsolete. The Exchange does not currently use the daily order and position reports from Market-Makers. The daily order and position reports from Market-Makers are no longer needed to conduct any routine regulatory surveillances or examinations or fulfill any other of the Exchange's regulatory obligations. Any regulatory surveillance or examination that previously used the daily order and position reports can be operated without the information due to the development of effective workarounds. As such, the rule, as currently written, presents an undue burden on Market-Makers.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change removes impediments and perfects the mechanism of a free and open market by amending obsolete rule requirements related to daily order and position reports provided to the Exchange by Market-Makers. The daily order and position reports are no longer needed in the normal course of the Exchange fulfilling its regulatory responsibilities. In the event order or position information related to Market-Maker activity in securities underlying options traded on the exchange is needed, the proposed rule provides that Market-Makers must provide those reports to the Exchange upon request. In addition, the proposed rule change is substantially similar to rules of other options exchanges.[7]

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 proposed rule raises neither intermarket nor intermarket competition issues, as it

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* ISE Rule 807(b); ISE Gemini Rule 807(b); BZX Rule 22.7(b); BOX Rule 8060(b), NOM Rules Chapter 7, Section 7(b); BX Rules Chapter 7, Section 7(b).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] *Id.*

[7] *See supra* note 1 [sic].

relates to the submission of reports to the Exchange for regulatory purposes. The proposed rule amends obsolete rule language. The daily order and position reports from Market-Makers are no longer needed to conduct any routine regulatory surveillances or examinations or fulfill any other of the Exchange's regulatory obligations. The proposed rule change removes this undue burden on Market-Makers and replaces it with a requirement substantially similar to that of other options exchanges.[8] The proposed requirement will apply to equally to all Market-Makers on the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [9] and Rule 19b–4(f)(6) [10] thereunder. 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 Number SR–C2–2017–019 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–C2–2017–019. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2017–019 and should be submitted on or before June 21, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–11148 Filed 5–30–17; 8:45 am]

BILLING CODE 8011–01–P

[8] *Id.*

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80761; File No. SR–GEMX–2017–16]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Cancel and Replace Rule

May 24, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 11, 2017, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') 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 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 conform its cancel and replace rule change with that of Nasdaq ISE, LLC (''ISE'') which was recently filed.[3]

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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 80432 (April 11, 2017), 82 FR 18191 (April 17, 2017) (SR–ISE–2017–03) (Order Approving Proposed Rule Change, as Modified by Amendment No. 1, to Amend Various Rules in Connection with a System Migration to Nasdaq INET Technology).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to amend Supplementary Material .02 to GEMX Rule 715 to conform this rule to ISE's recently approved rule. ISE recently received approval for a similar cancel and replace rule at Supplementary Material .02 to ISE Rule 715.[4] The ISE rule includes additional information concerning the handling of cancel and replace orders. With this amendment, the Exchange is memorializing the same additional detail within its rule as to the manner in which the System handles cancel and replace orders. Specifically, the Exchange proposes to make clear that if the replacement portion of a Cancel and Replace order does not satisfy the system's price or other reasonability checks (*e.g.* Nasdaq GEMX Rule 710; Nasdaq GEMX Rule 711(c); and Nasdaq GEMX Rule 714(b)(2)) the existing order shall be cancelled and not replaced. This additional language serves to add detail to the current rule.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] 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. The Exchange believes that memorializing what happens to a cancel and replace order that does not meet the price checks will add transparency and specificity to the Rules thereby protecting investors and the public interest by reducing the potential for investor confusion.

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's proposal to make clear that if the replacement portion of a Cancel and Replace order does not satisfy the system's price or other reasonability [sic], the existing order shall be cancelled and not replaced will bring more clarity to market participants with respect to the operation of a cancel and replace. The rule is not being substantively amended, rather more detail is being added to the rule text.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[7] and subparagraph (f)(6) of Rule 19b–4 thereunder.[8]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–GEMX–2017–16 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–GEMX–2017–16. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–GEMX–2017–16 and should be submitted on or before June 21, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–11150 Filed 5–30–17; 8:45 am]

BILLING CODE 8011–01–P

[4] *Id.*

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32660; 812–14717]

Series Portfolios Trust and Highmore Group Advisors, LLC

May 24, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 15(a) of the Act and rule 18f–2 under the Act, as well as from certain disclosure requirements in rule 20a–1 under the Act, Item 19(a)(3) of Form N–1A, Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A under the Securities Exchange Act of 1934, and sections 6–07(2)(a), (b), and (c) of Regulation S–X (''Disclosure Requirements''). The requested exemption would permit an investment adviser to hire and replace certain subadvisers without shareholder approval and grant relief from the Disclosure Requirements as they relate to fees paid to the subadvisers.

Applicants: Series Portfolios Trust (the ''Trust''), a Delaware statutory trust registered under the Act as an open-end management investment company, and Highmore Group Advisors, LLC (the ''Initial Adviser''), a New York limited liability company registered as an investment adviser under the Investment Advisers Act of 1940 (collectively with the Trust, the ''Applicants'').

Filing Dates: The application was filed on November 28, 2016 and amended on April 18, 2017 and May 11, 2017.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on June 19, 2017, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: Alia M. Vasquez, Esq., Series Portfolios Trust, 615 East Michigan Street, Milwaukee, WI 53202; Dr. Brian M. Altenburg, Highmore Group Advisors, LLC, 120 Fifth Avenue, 6th Floor, New York, NY 10011.

FOR FURTHER INFORMATION CONTACT: Barbara T. Heussler, Senior Counsel, at (202) 551–6990, or Robert H. Shapiro, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. The Adviser will serve as the investment adviser to the Funds pursuant to an investment advisory agreement with the Trust (the ''Advisory Agreement'').[1] The Adviser will provide the Funds with continuous and comprehensive investment management services, subject to the supervision of, and policies established by, each Fund's board of trustees (''Board''). The Advisory Agreement permits the Adviser, subject to the approval of the Board, to delegate to one or more subadvisers (each, a ''Subadviser'' and collectively, the ''Subadvisers'') the responsibility to provide the day-to-day portfolio investment management of each Fund, subject to the supervision and direction of the Adviser. The primary responsibility for managing the Funds will remain vested in the Adviser. The Adviser will hire, evaluate, allocate assets to and oversee the Subadvisers, including determining whether a Subadviser should be terminated, at all times subject to the authority of the Board.

2. Applicants request an exemption to permit the Adviser, subject to Board approval, to hire certain Subadvisers pursuant to subadvisory agreements and materially amend existing subadvisory agreements without obtaining the shareholder approval required under section 15(a) of the Act and rule 18f–2 under the Act.[2] Applicants also seek an exemption from the Disclosure Requirements to permit a Fund to disclose (as both a dollar amount and a percentage of the Fund's net assets): (a) The aggregate fees paid to the Adviser and any Affiliated Subadviser; and (b) the aggregate fees paid to Subadvisers other than Affiliated Subadvisers. For any Fund that employs an Affiliated Subadviser, the Fund will provide separate disclosure of any fees paid to the Affiliated Subadviser.

3. Applicants agree that any order granting the requested relief will be subject to the terms and conditions stated in the application. Such terms and conditions provide for, among other safeguards, appropriate disclosure to Fund shareholders and notification about subadvisory changes and enhanced Board oversight to protect the interests of the Funds' shareholders.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or any rule thereunder, if such relief is necessary or appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act. Applicants believe that the requested relief meets this standard because, as further explained in the application, the Advisory Agreements will remain subject to shareholder approval while the role of the Subadvisers is substantially similar to that of individual portfolio managers, so that requiring shareholder approval of subadvisory agreements would impose unnecessary delays and expenses on the Funds. Applicants believe that the requested relief from the Disclosure Requirements meets this standard because it will improve the Adviser's ability to negotiate fees paid to the Subadvisers that are more advantageous for the Funds.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–11152 Filed 5–30–17; 8:45 am]

BILLING CODE 8011–01–P

[1] Applicants request relief with respect to any existing or future series of the Trust or any other registered open-end management company that: (a) Is advised by the Initial Adviser, or any person controlling, controlled by or under common control with the Initial Adviser or its successor (each, an ''Adviser''); (b) uses the manager of managers structure described in the application; and (c) complies with the terms and conditions of the application (any such series, a ''Fund'' and collectively, the ''Funds''). For purposes of the requested order, ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

[2] The requested relief will not extend to any subadviser that is an affiliated person, as defined in section 2(a)(3) of the Act, of the Trust, a Fund, or the Adviser, other than solely by reason of serving as a Subadviser to one or more of the Funds, or as an adviser or subadviser to any series of the Trust other than the Funds (''Affiliated Subadviser'').

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80762; File No. SR–DTC–2017–007]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify the DTC Settlement Service Guide To Make Technical Revisions To Clarify and Provide Enhanced Transparency With Respect to the Calculation and Adjustment of Required Participants Fund Deposits

May 24, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 16, 2017, The Depository Trust Company (''DTC'') 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 clearing agency.[3] DTC filed the proposed rule change pursuant to Section 19(b)(3)(A)[4] of the Act and Rule 19b–4(f)(1)[5] thereunder. The proposed rule change was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend the text of the DTC Settlement Service Guide (''Settlement Guide'')[6] to make technical revisions to clarify, and provide enhanced transparency with respect to, the (i) calculation of the Required Participants Fund Deposit of a Participant[7] and (ii) factors that DTC may take into account in evaluating an adjustment to the Required Participants Fund Deposit of a Participant.[8] The proposed rule change would also amend the text of the Settlement Guide to (i) change and add defined terms, (ii) make (a) changes for enhanced clarity and readability and (b) grammatical corrections and (iii) add new section headings, as discussed below.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change would amend the text of the Settlement Guide[9] to make technical revisions to clarify, and provide enhanced transparency with respect to, the (i) calculation of the Required Participants Fund Deposit of a Participant and (ii) factors that DTC may take into account in evaluating an adjustment to the Required Participants Fund Deposit of a Participant. The proposed rule change would also amend the text of the Settlement Guide to (i) change and add defined terms, (ii) make (a) changes for enhanced clarity and readability and (b) grammatical corrections and (iii) add new section headings, as discussed below.

Participants Fund Components and Calculations

DTC maintains a cash Participants Fund in an aggregate amount based on maintaining liquidity resources sufficient to complete net settlement among non-defaulting Participants if a Participant, or Affiliated Family of Participants, with the largest net settlement obligation failed to settle.[10] If a Participant fails to settle, its entire Actual Participants Fund Deposit (the Required Participants Fund Deposit plus any Voluntary Participants Fund Deposit) may be applied to satisfy any liability or loss due to its default.

The amount of the Required Participants Fund Deposit for any Participant is set by DTC in accordance with its Rules and the Settlement Guide.[11] Each Participant must make at least a minimum Deposit of $7,500 to the Participants Fund.[12] Those Participants with higher liquidity demands are required to Deposit additional amounts. Two additional amounts are determined by (i) the Participants' own activity and (ii) whether they belong to an Affiliated Family of Participants that has a has a Net Debit Cap that exceeds $2.15 BN.[13] With respect to the former additional amount, the activity of each Participant is calculated based on a rolling average over 60 Business Days of the Participant's six highest intraday net debit peaks[14] (for a Participant, at any time, its ''PF Average'').[15] The latter additional amount is based on a formula that takes into account the amount by

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Capitalized terms not otherwise defined herein have the respective meanings set forth in the Rules, By-laws and Organization Certificate (''Rules'') of The Depository Trust Company (''DTC''), *available at http://www.dtcc.com/legal/rules-and-procedures.aspx.*

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(f)(1).

[6] *Available at http://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Settlement.pdf.*

[7] Rule 1, Section 1, *supra* note 3. The Required Participants Fund Deposit of a Participant is the amount the Participant is required to Deposit to the Participants Fund pursuant to Section 1 of Rule 4. Rule 4, Section 1, *supra* note 3. Deposit, in this context, pursuant to Section 1 of Rule 1, means causing the appropriate amount in cash to be paid to DTC for credit to the Participants Fund pursuant to Section 1 of Rule 4. Rule 1, Section 1, *supra* note 3. The Participants Fund, described more fully below, is provided for in Rule 4. Rule 4, *supra* note 3. The Settlement Guide, which is proposed to be amended hereby, sets forth Procedures for the calculation and payment of such Deposits. *See* Settlement Guide, *supra* note 6 at 47–50. Procedures, in this context, pursuant to Section 1 of Rule 1, means ''the Procedures, service guides, and regulations of DTC adopted pursuant to Rule 27, as amended from time to time.'' Rule 1, Section 1, *supra* note 3. The Settlement Guide constitutes Procedures of DTC, as defined in the Rules. *See* Settlement Guide, *supra* note 6 at 3.

[8] Rule 9(A), Section 2, *supra* note 3. Pursuant to Rule 9(A), at the request of DTC, a Participant or Pledgee shall immediately furnish DTC with such assurances as DTC shall require of the financial ability of the Participant or Pledgee to fulfill its commitments and shall conform to any conditions which DTC deems necessary for the protection of DTC, other Participants or Pledgees, including deposits to the Participants Fund.

[9] *Supra* note 6.

[10] The DTC net settlement system and the Rules are structured so that the net settlement obligation of a Participant (its Net Debit Balance) is limited by its Net Debit Cap. The maximum Net Debit Cap of any Participant is $1.8 BN and the maximum Net Debit Cap for an Affiliated Family of Participants is $2.85 BN. *See* Settlement Guide, *supra* note 6 at 64–65. These limits are determined based on liquidity resources available to DTC in the cash Participants Fund or under a committed line of credit from a syndicate of commercial lenders for $1.9 BN (''Line of Credit''). *Id.* Cash in the Participants Fund equals the aggregate amount of Deposits to the Participants Fund by all Participants and the total amount of the Participants Fund is required to be at least $1.15 BN. *See* Settlement Guide, *supra* note 6 at 48. This proposed rule change sets forth the basis on which the Required Participants Fund Deposit of any Participant shall be calculated and certain factors that may be considered by DTC if further assurances are required with respect to a Participant.

[11] *See* Rule 4, *supra* note 3 and Settlement Guide, *supra* note 6 at 47–49.

[12] Settlement Guide, *supra* note 2 at 47.

[13] Settlement Guide, *supra* note 6 at 48–49.

[14] DTC monitors the levels of each Participant's net settlement debits during each Business Day and records the highest net debit. This measure of liquidity is referred to as the Participant's intraday net debit peak. *See* Settlement Guide, *supra* note 6 at 48.

[15] *Id.*

which the Affiliated Family's Net Debit Cap exceeds $2.15 BN.[16]

In aggregate, the Participants Fund includes four component amounts, as clarified in this proposed rule change: the ''Core Fund,'' the ''Base Fund,'' the ''Incremental Fund'' and the ''Liquidity Fund,'' as defined below.[17] The ''Core Fund'' is set by DTC at an aggregate amount of $450 million and is comprised of the Base Fund and the Incremental Fund.[18] The ''Base Fund'' is the sum of minimum deposits by all Participants, *i.e.,* the amount that is $7,500 times the number of Participants, at any time.[19] The ''Incremental Fund'' is the balance of the Core Fund up to $450 million; [20] this is the amount that must be ratably allocated based on Participants' activity, as reflected by their intraday net debit peaks, among Participants that are required to pay more than a minimum deposit.[21] The proposed rule change sets forth the basis for that ratable allocation. Additionally, the ''Liquidity Fund'' component (set at $700 million) applies to Participants whose Affiliated Families have Net Debit Caps that exceed $2.15 BN, as currently set forth in the Settlement Guide.[22]

[16] Settlement Guide, *supra* note 6 at 48–49.

[17] The composition of each of these components is described in the Settlement Guide, however (i) the Base Fund and the Core Fund are not assigned specific defined terms and (ii) the Incremental Fund and the Liquidity Fund are defined as the ''PF Differential'' and the ''Additional Amount,'' respectively, as discussed below. *See* Settlement Guide, *supra* note 6 at 47–49. For enhanced clarity in this regard, the four components would be renamed and/or defined in the Settlement Guide, as discussed below. *See* discussion *infra* ''Changes to Defined Terms and Grammatical Revisions.''

[18] *See supra* text accompanying note 17.

[19] *Id.*

[20] *Id.*

[21] Those Participants whose PF Averages exceed the total amount of the Base Fund are required to make a Deposit to the Incremental Fund. This is because a Participant whose PF Average exceeds the total amount of the Base Fund, on an average basis, exceeds the liquidity resources provided by the Base Fund during the 60-day rolling period used to determine a PF Average.

[22] *See* Settlement Guide, *supra* note 6 at 48–49. The amount of the Deposit to the Liquidity Fund that is allocated among an Affiliated Family of Participants is determined based on a ratio determined by dividing the amount by which the Participant's Affiliated Family Net Debit Cap exceeds $2.15 BN by the sum of the amounts by which each Affiliated Families' Net Debit Cap exceeds $2.15 BN. Once an Affiliated Family's Liquidity Fund allocation has been established in this regard, DTC will allocate this sum among the Participants comprising the Affiliated Family in proportion to each Participant's individual Net Debit Cap. *Id.* In this regard, the Liquidity Fund represents an additional amount allocated proportionally among the Affiliated Families that present the greatest liquidity risk to DTC. *See also* Securities Exchange Act Release No. 59148 (December 23, 2008), 73 FR 251 (December 31, 2008)(SR–DTC–2008–12).

The proposed rule change clarifies the description in the Settlement Guide of the calculation of the amount of the Deposit by each Participant to the Incremental Fund and sets forth the methodology used to calculate that amount, as further described below under ''Settlement Guide Changes.''

Additional Required Participants Fund Deposits

If DTC becomes concerned with a Participant's operational or financial soundness, DTC may require adequate assurances of financial or operational capacity from the Participant, as a risk mitigant,[23] including an additional Deposit to the Participants Fund.[24] Any additional requirements are designed to provide appropriate incentives to affected Participant(s) to address the underlying condition or activity. In determining whether it is appropriate to require an additional Deposit to the Participants Fund for a Participant, DTC takes into account credit, market, operational or other concerns regarding the Participant. Typically, the following factors may be considered, including: (i) The Participant's liquidity arrangements; (ii) the Participant's overall financial condition; (iii) published news or reports and/or regulatory observations relating to the Participant; and (iv) the Participant's internal credit rating, if any. As guidance to Participants regarding these types of considerations, DTC proposes to add text to the Settlement Guide illustrating these concerns, as further described below under ''Settlement Guide Changes.''

Settlement Guide Changes

Calculation of Incremental Fund

First, the proposed rule change would amend the text of the Settlement Guide to provide the methodology by which DTC takes into account the activity of each Participant to allocate the portion of a Participant's Required Participants Fund Deposit to the Incremental Fund, as set forth below.

In order to determine the amount a Participant must Deposit to the Incremental Fund, DTC makes the following calculations.

First, DTC determines the PF Average of each Participant as the rolling average, over 60 Business Days, of the Participant's six highest intraday net debit peaks (as noted above).

Second, DTC arrays these PF Averages from highest to lowest and ''ranks'' them accordingly. As a result, each Participant will have a ''PF Average Rank,'' an absolute number that is the Participant's numerical ranking in this array.

Each Participant's PF Average is compared to the next lowest ranked PF Average and DTC calculates the difference between the higher PF Average and the next lower ranked PF Average to determine, for the Participant in question, its ''Ranked Amount Difference.''

Separately, a ''Factor'' is calculated by dividing the amount of the Incremental Fund by the PF Average of the Participant with the highest PF Average Rank minus the amount of the Base Fund.

Finally, the amount that a Participant shall Deposit to the Incremental Fund (''Required Incremental Fund Deposit'') is calculated as the sum of each Participant's Ranked Amount Difference, divided by the Participant's PF Average Rank, and multiplied by the Factor, for all Participants with a PF Average Rank that is less than or equal to the PF Average Rank of the Participant.

The purpose of this calculation is to provide for an equitable distribution of the Incremental Fund among Participants, based on the amount by which each Participant's PF Average exceeds the amount of the Base Fund.

Adjustments to a Required Participants Fund Deposit

The proposed rule change would further amend the text of the Settlement Guide to state that DTC may increase the Required Participants Fund Deposit of a Participant as provided in Rule 9(A), including due to a credit, market, operational, or other concern regarding the Participant. For illustrative purposes, typically, the following factors may be taken into consideration for such an increase:

(a) The Participant's liquidity arrangement, if any;

(b) the Participant's overall financial condition at the time and its apparent stability or volatility;

(c) published news or reports and/or regulatory observations relating to the Participant; and

(d) the Participant's internal credit rating, if any.

Changes to Defined Terms and Grammatical Revisions

The Settlement Guide currently defines the portion of the Participants Fund represented by the Liquidity Fund as the ''Remaining Amount'' and the portion represented by the Incremental Fund as the ''PF Differential.'' The

[23] Rule 9(A), Section 2, *supra* note 8.

[24] Any such additional amount shall be part of the Required Participants Fund Deposit of the Participant. *See* Rule 4, Section 1(a), *supra* note 3.

proposed rule change would replace the current term ''Remaining Amount'' with ''Liquidity Fund'' and ''PF Differential'' with ''Incremental Fund.'' The proposed rule change would also add to the Settlement Guide defined terms for Core Fund, Base Fund, Factor, PF Average Rank, Ranked Amount Difference and Required Incremental Fund Deposit to be defined as these terms are defined above.

Finally, the proposed rule change would make (i) changes to the text of the Settlement Guide for readability, (ii) grammatical corrections to punctuation and spacing and (iii) add the headings ''Core Fund'' and ''Liquidity Fund'' above the sections that would discuss calculations of the Core Fund and the Liquidity Fund, respectively.

Effective Date of Proposed Rule Change

The proposed rule change would become effective immediately upon filing with the Commission.

2. Statutory Basis

Section 17A(b)(3)(F) of the Act [25] requires, *inter alia,* that the Rules promote the prompt and accurate clearance and settlement of securities transactions. DTC believes that the proposed rule change is consistent with this provision because it (i) clarifies the existing methodology utilized by DTC to calculate Required Participants Fund Deposits, (ii) clarifies the factors that DTC may take into account in evaluating an adjustment to the Required Participants Fund Deposit of a Participant and (iii) makes other clarifying changes for readability and grammatical changes to the text of the Settlement Guide in this regard. As discussed above, funds Deposited to the Participants Fund provide DTC with liquidity resources necessary to complete end-of-day settlement notwithstanding the failure to settle of the Participant or Affiliated Family of Participants with the largest settlement obligation, as limited by the maximum Net Debit Cap for a Participant, or the maximum Affiliated Family Net Debit Cap, as applicable. Collectively, the proposed changes would enhance the transparency and clarity of the applicable provisions of the Settlement Guide, which would enable stakeholders to readily understand DTC's methodology for computation of Required Participants Fund Deposits. Therefore, by providing stakeholders with enhanced transparency and clarity with regard to the description of the computation of Required Participants Fund Deposits, which provide DTC with the liquidity to complete end-of-day settlement notwithstanding the failure to settle of the Participant or Affiliated Family of Participants with the largest settlement obligation, as limited by the maximum Net Debit Cap for a Participant, or the maximum Affiliated Net Debit Cap, as applicable, DTC believes that the proposed rule change, would promote the prompt and accurate clearance and settlement of securities transactions consistent with Section 17A(b)(3)(F) of the Act.

The proposed rule change is also designed to be consistent with Rule 17Ad–22(e)(7) of the Act.[26] Rule 17Ad–22(e)(7) requires DTC, *inter alia,* to establish, implement, maintain and enforce written policies and procedures reasonably designed to, as applicable, to effectively measure, monitor, and manage the liquidity risk that arises in or is borne by the covered clearing agency,[27] including measuring, monitoring, and managing its use of intraday liquidity by, at a minimum maintaining sufficient liquid resources to effect same-day settlement with a high degree of confidence under a wide range of stress scenarios that includes, but is not limited to, the default of the participant family that would generate the largest aggregate payment obligation for the covered clearing agency in extreme but plausible market conditions. As discussed above, the proposed rule change would (i) clarify and, provide greater transparency in the Settlement Guide with respect to, the (a) methodology used by DTC to calculate Required Participants Fund Deposits, which, in conjunction with the Line of Credit, provides DTC with an amount of liquidity sufficient to complete end-of-day settlement notwithstanding the failure to settle of the Participant or Affiliated Family of Participants with the largest settlement obligation as limited by the maximum Net Debit Cap for a Participant, or the maximum Affiliated Family Net Debit Cap, as applicable and (b) factors that DTC may take into account in evaluating an adjustment to a Participant's Required Participants Fund Deposit to address an underlying condition or activity of a Participant that exposes DTC to heightened risk due to a credit, market, operational, or other concern regarding the Participant, as discussed above and (ii) make other clarifying changes for readability and grammatical changes to the text of the Settlement Guide in this regard. Therefore, because the proposed changes to the Settlement Guide collectively clarify and provide greater transparency with regard to the Procedures used by DTC to measure, monitor, and manage each Participant's Required Participants Fund Deposit with respect to (i) the amount of liquidity exposure presented by the Participant to DTC through the Participant's DTC activity so that DTC maintains sufficient liquid resources which it may use to complete end-of-day settlement notwithstanding the failure to settle of the Participant or Affiliated Family of Participants with the largest settlement obligation, (ii) factors considered with respect to additional risk exposure presented by the Participant and (iii) readability and grammatical changes to the text of the Settlement Guide in this regard, DTC believes that the proposed rule change is consistent with Rule 17Ad–22(e)(7) promulgated under the Act.

(B) Clearing Agency's Statement on Burden on Competition

DTC does not believe that the proposed rule change would have any impact on competition because the proposed rule change consists of clarifying changes to the Settlement Guide that do not alter the methodology by which Required Participants Fund Deposits are calculated.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

DTC has not solicited and does not intend to solicit comments regarding the proposed rule change. DTC has not received any unsolicited written comments from interested parties. To the extent DTC receives written comments on the proposed rule change, DTC will forward such comments to the Commission.

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) [28] of the Act and paragraph (f) of Rule 19b–4 [29] thereunder. 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,

[25] 15 U.S.C. 78q–1(b)(3)(F).

[26] 17 CFR 240.17Ad–22(e)(7).

[27] DTC is a ''covered clearing agency'' as defined by new Rule 17Ad–22(a)(5) and must comply with subsection (e) of Rule 17Ad–22. *See* Securities Exchange Act Release No. 78961 (September 28, 2016), 81 FR 70786 (October 13, 2016) (S7–03–14).

[28] 15 U.S.C. 78s(b)(3)(A).

[29] 17 CFR 240.19b–4(f).

or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–DTC–2017–007 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–DTC–2017–007. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of DTC and on DTCC's Web site (*http://dtcc.com/legal/sec-rule-filings.aspx*). All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–DTC–2017–007 and should be submitted on or before June 20, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–11151 Filed 5–30–17; 8:45 am]

BILLING CODE 8011–01–P

[30] 17 CFR 200.30–3(a)(12).

SELECTIVE SERVICE SYSTEM

Privacy Act of 1974; Computer Matching Program

AGENCY: Selective Service System.

ACTION: Notice of a modified matching program.

SUMMARY: This document provides notice of the continuation of a computer matching program between the Selective Service System and the Department of Education.

DATES: We must receive your comments on or before June 30, 2017.

The re-established matching program will be effective on the latest of the following three dates: (A) July 2, 2017; (B) 30 days from the date on which the Selective Service System (SSS) publishes a Computer Matching Notice in the **Federal Register**, as required by 5 U.S.C. 552a(e)(12) and OMB Circular A–108, assuming that SSS receives no public comments or receives public comments but makes no changes to the Matching Notice as a result of the public comments, or 30 days from the date on which SSS publishes a Revised Matching Notice in the **Federal Register**, assuming that SSS receives public comments and revises the Matching Notice as a result of public comments; or (C) 60 days from the date on which SSS transmits the report of the matching program, as required by 5 U.S.C. 552a(r) and OMB Circular A–108, to OMB, the U.S. House Committee on Oversight and Government Reform, and the U.S. Senate Committee on Homeland Security and Governmental Affairs, unless OMB waives any days of the 60-day review period for compelling reasons, in which case 60 days minus the number of days waived by OMB from the date of SSS's transmittal of the report of the matching program.

The matching program will continue for 18 months after the effective date and may be extended for an additional 12 months thereafter, if the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

1. *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under the ''help'' tab.

2. *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about these proposed regulations, address them to Thomas Devine, Registration Program Analyst, Selective Service System, 1515 Wilson Boulevard, Arlington, Virginia, 22209–2425.

Privacy Note: The Agency's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov*. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Devine, Registration Program Analyst, Selective Service System, 1515 Wilson Boulevard, Arlington, Virginia, 22209–2425.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: We provide this notice in accordance with 5 U.S.C. 552a (commonly known as the Privacy Act of 1974); Office of Management and Budget (OMB) Final Guidance Interpreting the Provisions of Pub. L. 100–503 the Computer Matching and Privacy Protection Act of 1988, 54 FR 25818 (June 19, 1989); and OMB Circular A–108, *https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/OMB/circulars/a108/omb_circular_a-108.pdf.*

Participating Agencies: The Selective Service System and the U.S. Department of Education (ED).

Authority for Conducting the Matching Program: The information contained in the SSS database is referred to as the Registration, Compliance and Verification System (RCV), which contains the Selective Service System Registrants Registration Records (SSS–9). ED seeks access to the RCV for the purpose of the registration

status of applicants for assistance under title IV of the Higher Education Act of 1965 (HEA), as amended (20 U.S.C. 1070 et. seq.). Section 12(f) of the Military Selective Service Act (MSSA), as amended [50 U.S.C. App. 462(f)], denies eligibility for any form of assistance or benefit under Title IV of the HEA to any person required to present himself for and submit to registration under Section 3 of the MSSA [50 U.S.C. App. 453] who fails to do so in accordance with that section and any rules and regulations issued under that section. In addition, § 12(f)(2) of the MSSA specifies that any person required to present himself for and submit to registration under Section 3 of the MSSA must file a statement with the institution of higher education where the person intends to attend or is attending that he is in compliance with the MSSA. Furthermore, § 12(f)(3) of the MSSA authorizes the Secretary of Education, in agreement with the Director of the Selective Service System, to prescribe methods for verifying the statements of compliance filed by students.

Purpose(s): The matching program, which has been in effect since December 6, 1985 will permit ED to confirm the registration status of applicants for, or recipients of, financial assistance under title IV of the Higher Education Act of 1965, as amended (HEA), as authorized by section 484(g) of the HEA (20 U.S.C. 1091(g)).

Categories of Individuals: The individuals included in this matching program are men born after December 31, 1959, but at least 18 years old by January 1 of the applicable award year. As identified on both the Federal Student Aid Application File (18–11–01) and the Selective Service Registration Records (SSS–9).

System(s) of Records: SSS system of Records: Computer Matching between the Selective Service System and the Department of Education (79 FR 70264, November 25, 2014).

1. *Accessible Format:* Individuals with disabilities can obtain this document in an accessible format (such as, braille, large print, audiotape, or compact disc) on request to the contact person listed in the preceding paragraph.

2. *Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available through the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or PDF. To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Authority: 5 U.S.C. 552a.

Dated: April 26, 2017.

Donald M. Benton,

Director.

[FR Doc. 2017–11130 Filed 5–30–17; 8:45 am]

BILLING CODE 8015–01–P

DEPARTMENT OF STATE

[Public Notice: 10009]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Ancient Bodies: Archaeological Perspectives on Mesoamerican Figurines'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that certain objects to be included in the exhibition ''Ancient Bodies: Archaeological Perspectives on Mesoamerican Figurines,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Los Angeles County Museum of Art, Los Angeles, California, from on or about July 1, 2017, until on or about February 4, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–11125 Filed 5–30–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10012]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Chagall: Fantasies for the Stage'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that certain objects to be included in the exhibition ''Chagall: Fantasies for the Stage,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Los Angeles County Museum of Art, Los Angeles, California, from on or about July 31, 2017, until on or about January 7, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S.

Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–11124 Filed 5–30–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10011]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Helena Almeida: Work is never finished'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that certain objects to be included in the exhibition ''Helena Almeida: Work is never finished,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Art Institute of Chicago, in Chicago, Illinois, from on or about June 29, 2017, until on or about September 4, 2017, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–11123 Filed 5–30–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10010]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''History, Heritage and Hope'' Exhibition

Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that certain objects to be included in the exhibition ''History, Heritage and Hope,'' imported from abroad for temporary display within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at The Florida Holocaust Museum, St. Petersburg, Florida, from on or about July 1, 2017, until on or about June 15, 2020, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–11126 Filed 5–30–17; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

30-Day Notice of Intent To Seek Extension of Approval: Waybill Sample

AGENCY: Surface Transportation Board.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Surface Transportation Board (STB or Board) gives notice that it is requesting from the Office of Management and Budget (OMB) an extension of approval for the collection of the Waybill Sample. *See* 49 CFR 1244. The Board previously published a notice about this collection in the **Federal Register**, 82 FR 14786 (Mar. 22, 2017). That notice allowed for a 60-day public review and comment period. No comments were received.

DATES: Comments on this information collection should be submitted by June 30, 2017.

ADDRESSES: Written comments should be identified as ''Paperwork Reduction Act Comments, Surface Transportation Board: Waybill Sample.'' These comments should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Chad Lallemand, Surface Transportation Board Desk Officer, by email at *oira_submission@omb.eop.gov,* by fax at (202) 395–6974; or by mail to Room 10235, 725 17th Street NW., Washington, DC 20503. Please also direct comments to Chris Oehrle, PRA Officer, Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001, or to *pra@stb.gov.*

FOR FURTHER INFORMATION CONTACT: For further information regarding this collection, contact Pedro Ramirez at (202) 245–0333 or at *pedro.ramirez@stb.gov.* [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: For each collection, comments are requested concerning: (1) The accuracy of the Board's burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate; and (4) whether the collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility. Submitted comments will be summarized and included in the Board's request for OMB approval.

Description of Collection

Title: Waybill Sample.
OMB Control Number: 2140–0015.
STB Form Number: None.
Type of Review: Extension with change (based on staff's estimates, the

number of respondents changed from 51 to 53 and the hourly burdens for responses changed marginally).

Respondents: Any railroad that is subject to the Interstate Commerce Act and that terminated at least 4,500 revenue carloads on its lines in any of the three preceding years or that terminated at least 5% of the revenue carloads terminating in any state in any of the three preceding years. Railroads that are required to report Waybill Samples may do so either quarterly or monthly, and may either sample their own waybills or have an STB contractor conduct their sampling. As a result, there are four categories of Respondents discussed below: (1) Five railroads that conduct their own sampling, and report monthly, quarterly, and annually; (2) two railroads that conduct their own sampling, and report quarterly and annually; (3) two railroads that have the contractor sample their waybills, and report monthly, quarterly, and annually; and (4) 44 railroads that have the contractor sample their waybills, and report quarterly and annually.

Number of Respondents: 53.

Estimated Time per Response: Forty-two and a half hours for each of the five railroads that conduct their own sampling, and report monthly, quarterly, and annually (assuming 2.5 hours to conduct the sampling per sample submitted). Twelve and a half hours for each of the two railroads that conduct their own sampling and report quarterly and annually (assuming 2.5 hours to conduct the sampling per sample submitted). Twenty-one and one quarter hours for each of the two railroads that have the contractor sample their waybills, and report monthly, quarterly, and annually (assuming 1.25 hours per sample submitted). Six and a quarter hours for each of the 44 railroads that have the contractor sample their waybills, and report quarterly and annually (assuming 1.25 hours per sample submitted).

Frequency: Seven (7) respondents report monthly; 46 report quarterly.

Total Burden Hours (annually including all respondents): 555 hours. This estimate is made up of the annual burden hours for the (a) five railroads that conduct their own sampling, and report monthly, quarterly, and annually (85 responses × 2.5 hours = 212.50 hours); (b) two railroads that conduct their own sampling, and report quarterly and annually (10 responses × 2.5 hours = 25 hours); (c) two railroads that have the contractor sample their waybills, and report monthly, quarterly, and annually (34 responses × 1.25 hours = 42.50 hours); and (d) 44 railroads that have the contractor sample their waybills, and report quarterly and annually (220 responses × 1.25 hours = 275.00 hours).

Total ''Non-hour Burden'' Cost: No ''non-hour cost'' burdens associated with this collection have been identified.

Needs and Uses: The Surface Transportation Board is, by statute, responsible for the economic regulation of common carrier rail transportation in the United States. The information in the Waybill Sample is used by the Board, other Federal and state agencies, and industry stakeholders to monitor traffic flows and rate trends in the industry, and to develop testimony in Board proceedings. The Board has authority to collect this information under 49 U.S.C. 11144 and 11145.

Under the PRA, a federal agency that conducts or sponsors a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Section 3507(b) of the PRA requires, concurrent with an agency's submitting a collection to OMB for approval, a 30-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information.

Dated: May 25, 2017.

Marline Simeon,

Clearance Clerk.

[FR Doc. 2017–11233 Filed 5–30–17; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2017–0002–N–19]

Proposed Agency Information Collection Activities; Comment Request

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 Information Collection Requests (ICRs) abstracted below to the Office of Management and Budget (OMB) for review and renewed approval. The ICRs describe the information collections and their expected burden. On March 14, 2017, FRA published a notice providing a 60-day period for public comment on the ICRs.

DATES: Comments must be submitted on or before June 30, 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 March 14, 2017, FRA published a 60-day notice in the Federal Register soliciting comment on the ICRs for which it is now seeking OMB approval. *See* 82 FR 13714. FRA received no comments in response to the March 14, 2017 notice.

Before OMB decides whether to approve these proposed collections 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 summaries below describe the ICRs and their expected burden. FRA is submitting the renewal requests for clearance by OMB as the PRA requires.

Title: Passenger Train Emergency Preparedness.

OMB Control Number: 2130–0545.

Abstract: Under 49 CFR part 239, Passenger Train Emergency Preparedness, FRA requires railroads to

meet minimum Federal standards for the preparation, adoption, and implementation of emergency preparedness plans connected with the operation of passenger trains, including freight railroads hosting operations of rail passenger service. To help ensure compliance with the regulations, FRA requires railroads to conduct operational tests of their personnel responsible for implementing the emergency preparedness plans.

Type of Request: Extension without change of a currently approved information collection.

Affected Public: Businesses (railroads).

Form(s): N/A.

Total Estimated Annual Responses: 69,670.

Total Estimated Annual Burden: 21,470 hours.

Title: Locomotive Cab Sanitation Standards.

OMB Control Number: 2130–0552.

Abstract: FRA's locomotive cab sanitation standards, 49 CFR 229.137 and 229.139, prescribe minimum standards for locomotive cab sanitation facilities. FRA uses the information collection associated with these provisions to promote rail safety and the health of railroad workers by ensuring that all locomotive crew members have access to functioning and hygienic toilet/sanitary facilities as needed and to ensure railroads timely repair defective locomotive sanitary facilities.

Type of Request: Extension without change of a currently approved information collection.

Affected Public: Businesses (railroads).

Form(s): N/A.

Total Estimated Annual Responses: 113,256.

Total Estimated Annual Burden: 1,272 hours.

Title: Locomotive Crashworthiness.

OMB Control Number: 2130–0564.

Abstract: FRA's Locomotive Crashworthiness Design Requirements (49 CFR part 229, subpart D) prescribe minimum crashworthiness standards for locomotives. These crashworthiness standards are intended to help protect locomotive cab occupants in the event of a collision or other accident involving a locomotive. FRA uses the information collection associated with Subpart D to ensure railroads use locomotives that meet the prescribed minimum performance standards and design load requirements for newly manufactured and re-manufactured locomotives.

Type of Request: Extension with change (revised estimates) of a currently approved information collection.

Affected Public: Businesses (railroads).

Form(s): N/A.

Total Estimated Annual Responses: 501.

Total Estimated Annual Burden: 6,470 hours.

Title: Critical Incident Stress Plans.

OMB Control Number: 2130–0602.

Abstract: FRA issued its Critical Incident Stress Plans Final Rule (49 CFR part 272) on March 25, 2014. *See* 79 FR 16218. Part 272 requires Class I, intercity passenger, and commuter railroads to develop, and submit to FRA for approval, critical incident stress plans that, among other things, provide appropriate support services be offered to their employees who are affected by a critical incident as defined at 49 CFR 272.9. FRA uses the information collected to ensure railroads meet the minimum standards of Part 272.

Type of Request: Extension with change (revised estimates) of a currently approved information collection.

Affected Public: Businesses (railroads)/Rail Labor Unions.

Form(s): N/A.

Total Estimated Annual Responses: 663.

Total Estimated Annual Burden: 314 hours.

Addressee: Send comments regarding these information collections 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 collections of information are 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 collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections 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.

John Seguin,

Acting Chief Counsel.

[FR Doc. 2017–11139 Filed 5–30–17; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

Transportation Infrastructure Financing and Innovation Act (TIFIA) Program; Agency Information Collection Activities and Request for Comments

AGENCY: Office of the Secretary of Transportation, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Department of Transportation (DOT) has submitted an information collection request to the Office of Management and Budget (OMB) to renew an existing information collection. The information collection is used to allow entities to apply for TIFIA credit assistance and assists the DOT in evaluating projects and project sponsors for program eligibility and creditworthiness.

DATES: Written comments should be submitted by June 30, 2017.

ADDRESSES: Written comments should be submitted to the attention of the DOT/OST Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503 or by email at *OIRA_submission@omb.eop.gov* with the associated OMB Control Number 2105–0569.

FOR FURTHER INFORMATION CONTACT: The TIFIA program manager via email at *TIFIACredit@dot.gov.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act (44 U.S.C. 3501–3521) and OMB regulations at 5 CFR part 1320 provide that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond. In order to obtain and renew an OMB control number, Federal agencies are required to seek public comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d) and 1320.12(a)).

As required at 5 CFR 1320.8(d), DOT published a 60-day notice in the **Federal Register** on March 24, 2017 (82 FR 15101), and the comment period ended May 23, 2017. DOT received no comments. DOT now requests comments on the following subjects: Comments are invited on: (a) The need for the proposed collection of information for the proper performance of the functions of the agency, including

whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

The following information pertains to this request:

Title: Transportation Infrastructure Financing and Innovation Act program or TIFIA program.

Form: The forms for the letter of interest and application are available for review at *http://www.fhwa.dot.gov/ipd/tifia/guidance_applications/tifia_applications.htm.*

OMB Control Number: 2105–0569.

Abstract: The TIFIA program provides Federal credit assistance in the form of direct loans, loan guarantees, and standby lines of credit to eligible surface transportation projects. This information collection relates to the collection of information from entities interested in TIFIA credit assistance and assists DOT in evaluating projects and project sponsors for program eligibility and creditworthiness. DOT is required by 23 U.S.C §§ 601–609 to solicit a letter of interest and an application from each interested applicant for TIFIA credit assistance. DOT will use the collected information to evaluate and select recipients for credit assistance. Applicants may be asked to provide additional supporting evidence or to quantify details during the review and negotiation process on a case-by-case basis.

Description of Respondents: State and local governments, transit agencies, freight and commuter railroad companies, special authorities, special districts, and private entities.

Estimated Total Annual Number of Responses: 50 letters of interest and 50 applications.

Estimated Total Annual Burden Hours: 6,000 hours.

The estimated burdens are itemized in the following table:

A. Type of response	B. Number of responses	C. Hours per response	D. Total hours (column B × column C
Letter of Interest	50	20	1,000
Application	50	100	5,000

Frequency of Collection: One time.

Issued in Washington, DC on May 25, 2017.

Claire Barrett,

Departmental Chief Privacy & Information Governance Officer.

[FR Doc. 2017–11167 Filed 5–30–17; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 15597

AGENCY: Internal Revenue Service, 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 Form 15597, Foreclosure Sale Purchaser Contact Information Request.

DATES: Written comments should be received on or before July 31, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, room 6526, 1111 Constitution Avenue NW., Washington, DC 20224. Requests for additional information or copies of the form and instructions should be directed to LaNita Van Dyke, at Internal Revenue Service, room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov*

SUPPLEMENTARY INFORMATION:

Title: Foreclosure Sale Purchaser Contact Information Request.

OMB Number: 1545–2199.

Form Number: Form 15597.

Abstract: Form 15597, Foreclosure Sale Purchaser Contact Information Request, is information requested of individuals or businesses that have purchased real property at a third party foreclosure sale. If the IRS has filed a ''Notice of Federal Tax Lien'' publically notifying a taxpayer's creditors that the taxpayer owes the IRS a tax debt, AND a creditor senior to the IRS position later forecloses on their creditor note (such as the mortgage holder of a taxpayers primary residence) THEN the IRS tax claim is discharged or removed from the property (if the appropriate foreclosure rules are followed) and the foreclosure sale purchaser buys the property free and clear of the IRS claim EXCEPT that the IRS retains the right to ''redeem'' or buy back the property from the foreclosure sale purchaser w/in 120 days after the foreclosure sale. Collection of this information is authorized by 28 U.S.C. 2410 and IRC 7425.

Current Actions: There are no changes made to the burden previously reported to OMB. This is for renewal purposes only.

Type of Review: Extension of a previously approved collection.

Affected Public: Individuals or households, Business or other for-profit groups, Not-for-profit institutions, Farms, Federal Government, State, Local, or Tribal Governments.

Estimated Number of Responses: 150.

Estimated Time Per Respondent: 4.08 hours.

Estimated Total Annual Burden Hours: 613.

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: May 22, 2017.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–11117 Filed 5–30–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8886 and Form 14234

AGENCY: Internal Revenue Service, 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 Form 8886, Reportable Transaction Disclosure Statement, and Form 14234, Pre-CAP and CAP Application Form.

DATES: Written comments should be received on or before July 31, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, room 6526, 1111 Constitution Avenue NW., Washington, DC 20224. Requests for additional information or copies of the form and instructions should be directed to LaNita Van Dyke, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Reportable Transaction Disclosure Statement, Pre-CAP and CAP Application Form.

OMB Number: 1545–1800.

Form Number: 8886 and Form 14234.

Abstract: Regulation section 1.6011–4 requires certain taxpayers to disclose reportable transactions in which they directly or indirectly participated.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and individuals.

Estimated Number of Respondents: 42,521.

Estimated Time per Respondent: 21.49 hours.

Estimated Total Annual Burden Hours: 913,698.

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: May 24, 2017.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–11119 Filed 5–30–17; 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, 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 procedure for monitoring compliance with low-income housing credit requirements; rules to carry out the purposes of section 42 and for correcting administrative errors and omissions; and compliance monitoring and miscellaneous issues relating to the low-income housing credit.

DATES: Written comments should be received on or before July 31, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to LaNita Van Dyke, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington DC 20224, or through the internet, at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: TD 8521, Procedure for Monitoring Compliance With Low-Income Housing Credit Requirements; TD 8859, Rules To Carry Out the Purposes of Section 42 and for Correcting Administrative Errors and Omissions; and REG–114664–97, Compliance Monitoring and Miscellaneous Issues Relating to the Low-Income Housing Credit.

OMB Number: 1545–1357.

Regulation Project Numbers: TD 8521; TD 8859; and REG–114664–97.

Abstract: TD 8521 This regulation requires state allocation plans to provide a procedure for state and local housing credit agencies to monitor for compliance with the requirements of Code section 42 and report any noncompliance to the IRS. *8859* This regulation concerns the Secretary of the Treasury's authority to provide guidance under Code section 42 and

allows state and local housing credit agencies to correct administrative errors and omissions made in connection with allocations of low-income housing credit dollar amounts and recordkeeping within a reasonable period after their discovery. *REG–114664–97* This regulation amends the procedures for state and local housing credit agencies' compliance monitoring and the rules for state and local housing credit agencies' correction of administrative errors or omissions.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individual or households, not-for-profit institutions, and state, local or tribal governments.

Estimated Number of Respondents: 22,055.

Estimated Time per Respondent: 4 hours, 45 minutes.

Estimated Total Annual Burden Hours: 104,899.

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: May 24, 2017.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–11118 Filed 5–30–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans and Community Oversight and Engagement Board; Notice of Establishment

As required by Section 9(a)(2) of the Federal Advisory Committee Act, the Department of Veterans Affairs hereby gives notice of the establishment of the Veterans and Community Oversight and Engagement Board. The Veterans and Community Oversight and Engagement Board (Board) is a statutory committee established as required by Section 2(i) of the West Los Angeles Leasing Act of 2016, Public Law 114–226.

The Board will identify the goals of the community and Veteran partnership; provide advice and recommendations to the Secretary to improve services and outcomes for Veterans, members of the Armed Forces, and the families of such Veterans and members; and provide advice and recommendations on the implementation of the Draft Master Plan approved by the Secretary on January 28, 2016, and the implementation of any successor master plans.

Committee members will be appointed by the Secretary and membership will be drawn from various sectors and organizations. Not less than 50 percent of the board members shall be Veterans; the non-Veteran board members shall be family members of the Veterans, Veteran advocates, services providers, real estate professionals familiar with housing development projects, or stakeholders.

Any member of the public seeking additional information should contact Kelly Condon, Designated Federal Officer (DFO), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC, via email at *kellie.condon@va.gov;* or by phone at (805) 868–2076.

Dated: May 25, 2017.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2017–11187 Filed 5–30–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Rural Health Advisory Committee

Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act 5 U.S.C. App. 2 that the Veterans' Rural Health Advisory Committee will meet on June 27–29, 2017.

On June 27, from 9 a.m. to 5 p.m., the meeting will be held at the Loannis A. Louganis VA Medical Center (LAL VAMC), Tahoe Room—5th FL, 975 Kirman Avenue, Reno, NV. On June 28, from 9 a.m. to 4:30 p.m., the meeting will be at the Sierra Nevada Health Care System Patient Education Resource Center, 975 Kirman Avenue, Reno, Nevada. The Committee will also tour the following facilities:

Veterans Outreach Center, 350 Capitol Hill, Reno, Nevada;

Banner Community Hospital, 801 E. Williams Avenue, Fallon, Nevada;

Lahontan Valley Outpatient Clinic, 345 West A Street, Fallon, Nevada; and

American Legion Hall Post 16, 90 North Ada Street, Fallon, Nevada.

On June 29, the meeting will be from 8:30 a.m. to 5 p.m., at the LAL VAMC. From 8:30 a.m. to 9:30 a.m., the Committee will visit the Reno-Sparks Indian Colony—Tribal Health Center, 1715 Kuenzli Street, Reno, Nevada, and will resume at the LAL VAMC.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on Health care issues that affect enrolled Veterans who reside in rural areas. The Committee examines programs and policies that impact the delivery of VA health care to rural Veterans, and recommend improvements.

The meeting will include updates from LAL VAMC leadership; Acting Executive Director of the Office of Rural Health; and Committee Chairwoman, as well as presentations by local health care subject matter experts.

Public comments will be received at 4:30 p.m. on June 29, 2017. Interested parties who plan to attend should contact Ms. Judy Bowie, by email at *VRHAC@va.gov,* or by fax 202–632–8609, or by mail at 810 Vermont Avenue NW., (10P1R), Washington, DC 20420. Individuals wishing to speak are invited to submit a 1–2 page summary of their comment for inclusion in the official meeting record.

Dated: May 24, 2017.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2017–11115 Filed 5–30–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Notice of Intent To Grant an Exclusive License

AGENCY: Office of Research and Development, Department of Veterans Affairs.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the Department of Veterans Affairs (VA), Office of Research and Development, Technology Transfer Program, intends to grant to Avicenna Medical, Inc., 3090 Dhu Varren Court, Ann Arbor, MI 48105, an exclusive license to the know-how documented in VA Invention Disclosure number 2016–186, titled ''Med Rec Tool Plus (Navigator Tool).'' The tool is a series of algorithms, embodied in software applications, to improve medication reconciliation. Currently, medical reconciliation is one of the most onerous and dangerous aspects of discharge (and admission). The tool streamlines the process of medication reconciliation, leaves fewer opportunities for error, and provides the patient with a clear and concise medication list upon discharge.

DATES: Comments must be received June 15, 2017.

ADDRESSES: Written comments may be submitted through *www.regulations.gov;* by mail or hand-delivery to the Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Call (202) 461–4902 for an appointment. (This is not a toll-free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Lee A. Sylvers, Technology Transfer Specialist, Office of Research and Development (10P9TT), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 443–5646. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: It is in the public interest to license this invention. Avicenna Medical, Inc. submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within 15 days from the date of this published Notice, the Department of Veterans Affairs, Office of Research and Development, Technology Transfer Program receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

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

Approved: May 24, 2017.

Jeffrey Martin,

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

[FR Doc. 2017–11140 Filed 5–30–17; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 82 Wednesday,
No. 103 May 31, 2017

Part II

Department of Homeland Security

U.S. Customs and Border Protection
Distribution of Continued Dumping and Subsidy Offset to Affected Domestic Producers; Notice

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Distribution of Continued Dumping and Subsidy Offset to Affected Domestic Producers

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of intent to distribute offset for Fiscal Year 2017.

SUMMARY: Pursuant to the *Continued Dumping and Subsidy Offset Act of 2000,* this document is U.S. Customs and Border Protection's (CBP) notice of intent to distribute assessed antidumping or countervailing duties (known as the continued dumping and subsidy offset) for Fiscal Year 2017 in connection with countervailing duty orders, antidumping duty orders, or findings under the *Antidumping Act of 1921.* This document provides the instructions for affected domestic producers, or anyone alleging eligibility to receive a distribution, to file certifications to claim a distribution in relation to the listed orders or findings.

DATES: Certifications to obtain a continued dumping and subsidy offset under a particular order or finding must be received by July 31, 2017 Any certification received after July 31, 2017 will be summarily denied, making claimants ineligible for the distribution.

ADDRESSES: Certifications and any other correspondence (whether by mail, or an express or courier service) must be addressed to the U.S. Customs and Border Protection, Revenue Division, Attention: CDSOA Team, 6650 Telecom Drive, Suite 100, Indianapolis, IN, 46278.

FOR FURTHER INFORMATION CONTACT: CDSOA Team, Revenue Division, 6650 Telecom Drive, Suite 100, Indianapolis, IN, 46278; telephone (317) 614–4462.

SUPPLEMENTARY INFORMATION:

Background

The *Continued Dumping and Subsidy Offset Act of 2000* (CDSOA) was enacted on October 28, 2000, as part of the *Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act,* 2001 (the ''Act''). The provisions of the CDSOA are contained in title X (sections 1001–1003) of the Appendix of the Act (H.R. 5426).

The CDSOA amended title VII of the *Tariff Act of 1930* by adding a new section 754 (codified at 19 U.S.C. 1675c) in order to provide that assessed duties received pursuant to a countervailing duty order, an antidumping duty order, or a finding under the *Antidumping Act of 1921* will be distributed to affected domestic producers for certain qualifying expenditures that these producers incur after the issuance of such an order or finding. The term ''affected domestic producer'' means any manufacturer, producer, farmer, rancher or worker representative (including associations of such persons) who:

(A) Was a petitioner or interested party in support of a petition with respect to which an antidumping order, a finding under the *Antidumping Act of 1921,* or a countervailing duty order has been entered;

(B) Remains in operation continuing to produce the product covered by the countervailing duty order, the antidumping duty order, or the finding under the *Antidumping Act of 1921;* and

(C) Has not been acquired by another company or business that is related to a company that opposed the antidumping or countervailing duty investigation that led to the order or finding (*e.g.,* opposed the petition or otherwise presented evidence in opposition to the petition). The distribution that these parties may receive is known as the continued dumping and subsidy offset.

Section 7601(a) of the *Deficit Reduction Act of 2005* repealed 19 U.S.C. 1675c. According to section 7701 of the *Deficit Reduction Act,* the repeal takes effect as if enacted on October 1, 2005. However, section 7601(b) provides that all duties collected on an entry filed before October 1, 2007, must be distributed as if 19 U.S.C. 1675c had not been repealed by section 7601(a). The funds available for distribution were also affected by section 822 of the *Claims Resolution Act of 2010* and section 504 of the *Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.*

Historically, the antidumping and countervailing duties assessed and received by CBP on CDSOA-subject entries, along with the interest assessed and received on those duties pursuant to 19 U.S.C. 1677g, were transferred to the CDSOA Special Account for distribution. 66 FR 48546, Sept. 21, 2001; *see also* 19 CFR 159.64(e). Other types of interest, including delinquency interest that accrued pursuant to 19 U.S.C. 1505(d), equitable interest under common law, and interest under 19 U.S.C. 580, were not subject to distribution. *Id.*

Section 605 of the *Trade Facilitation and Trade Enforcement Act of 2015* (TFTEA) (Pub. L. 114–125, February 24, 2016; codified as 19 U.S.C. 4401), provided new authority for CBP to deposit into the CDSOA Special Account for distribution delinquency interest that accrued pursuant to 19 U.S.C. 1505(d), equitable interest under common law, and interest under 19 U.S.C. 580 for payments received on or after October 1, 2014, on CDSOA subject entries if the payment was made by a surety in connection with a customs bond pursuant to a court order or judgment, or a litigation settlement with the surety, including any payments made during the litigation by the surety with respect to the bond.

On February 9, 2016, President Obama ordered the sequester of non-exempt budgetary resources for Fiscal Year 2017 pursuant to section 251A of the *Balanced Budget and Emergency Deficit Control Act of 1985,* as amended (81 FR 7693, February 12, 2016). To implement this sequester during Fiscal Year 2017, the calculation of the Office of Management and Budget (OMB) requires a reduction of 6.9 percent of the assessed duties and interest received in the CDSOA Special Account (account number 015–12–5688). OMB has concluded that any amounts sequestered in the CDSOA Special Account during Fiscal Year 2017 will become available in the subsequent fiscal year. *See* 2 U.S.C. 906(k)(6). As a result, CBP intends to include the funds that are temporarily reduced via sequester during Fiscal Year 2017 in the continued dumping and subsidy offset for Fiscal Year 2017, which will be distributed not later than 60 days after the first day of Fiscal Year 2018 in accordance with 19 U.S.C. 1675c(c). In other words, the continued dumping and subsidy offset that affected domestic producers receive for Fiscal Year 2017 will include the funds that were temporarily sequestered during Fiscal Year 2017.

Because of the statutory constraints in the assessments of antidumping and countervailing duties, as well as the additional time involved when the Government must initiate litigation to collect delinquent antidumping and countervailing duties, the CDSOA distribution process will be continued for an undetermined period. Consequently, the full impact of the CDSOA repeal on amounts available for distribution may be delayed for several years. It should also be noted that amounts distributed may be subject to recovery as a result of reliquidations, court actions, administrative errors, and other reasons.

List of Orders or Findings and Affected Domestic Producers

It is the responsibility of the U.S. International Trade Commission (USITC) to ascertain and timely forward to CBP a list of the affected domestic producers that are potentially eligible to receive an offset in connection with an order or finding. In this regard, it is noted that USITC has supplied CBP with the list of individual antidumping and countervailing duty cases, and the affected domestic producers associated with each case who are potentially eligible to receive an offset. This list appears at the end of this document.

A significant amount of litigation has challenged various provisions of the CDSOA, including the definition of the term ''affected domestic producer.'' In two decisions the U.S. Court of Appeals for the Federal Circuit (Federal Circuit) upheld the constitutionality of the support requirement contained in the CDSOA. Specifically, in *SKF USA Inc.* v. *United States Customs & Border Prot.,* 556 F.3d 1337 (Fed. Cir. 2009), the Federal Circuit held that the CDSOA's support requirement did not violate either the First or Fifth Amendment. The Supreme Court of the United States denied plaintiff's petition for certiorari, *SKF USA, Inc.* v. *United States Customs & Border Prot.,* 560 U.S. 903 (2010). Similarly, in *PS Chez Sidney, L.L.C.* v. *United States,* 409 Fed. Appx. 327 (Fed. Cir. 2010), the Federal Circuit summarily reversed the U.S. Court of International Trade's judgment that the support requirement was unconstitutional, allowing only plaintiff's non-constitutional claims to go forward. *See PS Chez Sidney, L.L.C.* v. *United States,* 684 F.3d 1374 (Fed. Cir. 2012). Furthermore, in two cases interpreting the CDSOA's language, the Federal Circuit concluded that a producer who never indicates support for a dumping petition by letter or through questionnaire response, despite the act of otherwise filling out a questionnaire, cannot be an affected domestic producer. *Ashley Furniture Indus.* v. *United States; Ethan Allen Global, Inc. v. United States,* 734 F.3d 1306 (Fed. Cir. 2013), *cert. denied,* 135 S. Ct. 72 (2014); *Giorgio Foods, Inc.* v. *United States et al.,* 785 F.3d 595 (Fed. Cir. 2015).

Domestic producers who are not on the USITC list but believe they nonetheless are eligible for a CDSOA distribution under one or more antidumping and/or countervailing duty cases are required, as are all potential claimants that expressly appear on the list, to properly file their certification(s) within 60 days after this notice is published. Such domestic producers must allege all other bases for eligibility in their certification(s). CBP will evaluate the merits of such claims in accordance with the relevant statutes, regulations, and decisions. Certifications that are not timely filed within the requisite 60 days and/or that fail to sufficiently establish a basis for eligibility will be summarily denied. Additionally, CBP may not make a final decision regarding a claimant's eligibility to receive funds until certain legal issues which may affect that claimant's eligibility are resolved. In these instances, CBP may withhold an amount of funds corresponding to the claimant's alleged *pro rata* share of funds from distribution pending the resolution of those legal issues.

It should also be noted that the Federal Circuit ruled in *Canadian Lumber Trade Alliance* v. *United States,* 517 F.3d 1319 (Fed. Cir. 2008), *cert. denied sub nom. United States Steel* v. *Canadian Lumber Trade Alliance,* 129 S. Ct. 344 (2008), that CBP was not authorized to distribute such antidumping and countervailing duties to the extent they were derived from goods from countries that are parties to the North American Free Trade Agreement (NAFTA). Due to this decision, CBP does not list cases related to NAFTA on the Preliminary Amounts Available report, and no distributions will be issued on these cases.

Regulations Implementing the CDSOA

It is noted that CBP published Treasury Decision (T.D.) 01–68 (Distribution of Continued Dumping and Subsidy Offset to Affected Domestic Producers) in the **Federal Register** (66 FR 48546) on September 21, 2001, which was effective as of that date, in order to implement the CDSOA. The final rule added a new subpart F to part 159 of title 19, Code of Federal Regulations (19 CFR part 159, subpart F (sections 159.61–159.64)). More specific guidance regarding the filing of certifications is provided in this notice in order to aid affected domestic producers and other domestic producers alleging eligibility (''claimants'' or ''domestic producers'').

Notice of Intent To Distribute Offset

This document announces that CBP intends to distribute to affected domestic producers the assessed antidumping or countervailing duties, 1677g interest, and interest provided for in 19 U.S.C. 4401 that are available for distribution in Fiscal Year 2017 in connection with those antidumping duty orders or findings or countervailing duty orders that are listed in this document. All distributions will be issued by paper check to the address provided by the claimants. Section 159.62(a) of title 19, Code of Federal Regulations (19 CFR 159.62(a)) provides that CBP will publish such a notice of intention to distribute at least 90 calendar days before the end of a fiscal year. Failure to publish the notice at least 90 calendar days before the end of the fiscal year will not affect an affected domestic producer's obligation to file a timely certification within 60 days after the notice is published. *See Dixon Ticonderoga* v. *United States,* 468 F.3d 1353, 1354 (Fed. Cir. 2006).

Certifications; Submission and Content

To obtain a distribution of the offset under a given order or finding (including any distribution under 19 U.S.C. 4401), an affected domestic producer (and anyone alleging eligibility to receive a distribution) must submit a certification for each order or finding under which a distribution is sought, to CBP, indicating its desire to receive a distribution. To be eligible to obtain a distribution, certifications must be received by CBP no later than 60 calendar days after the date of publication of this notice of intent to distribute in the **Federal Register**. All certifications not received by the 60th day will not be eligible to receive a distribution.

As required by 19 CFR 159.62(b), this notice provides the case name and number of the order or finding concerned, as well as the specific instructions for filing a certification under section 159.63 to claim a distribution. Section 159.62(b) also provides that the dollar amounts subject to distribution that are contained in the Special Account for each listed order or finding are to appear in this notice. However, these dollar amounts were not available in time for inclusion in this publication. The preliminary amounts will be posted on the CBP Web site (*http://www.cbp.gov*). However, the final amounts available for disbursement may be higher or lower than the preliminary amounts.

CBP will provide general information to claimants regarding the preparation of certification(s). However, it remains the sole responsibility of the domestic producer to ensure that the certification is correct, complete, and accurate so as to demonstrate the eligibility of the domestic producer for the distribution requested. Failure to ensure that the certification is correct, complete, and accurate as provided in this notice will result in the domestic producer not

receiving a distribution and/or a demand for the return of funds.

Specifically, to obtain a distribution of the offset under a given order or finding (including any distribution under 19 U.S.C. 4401), each potential claimant must timely submit a certification containing the required information detailed below as to the eligibility of the domestic producer (or anyone alleging eligibility) to receive the requested distribution and the total amount of the distribution that the domestic producer is claiming. Certifications should be submitted to the U.S. Customs and Border Protection, Revenue Division, Attention: CDSOA Team, 6650 Telecom Drive, Suite 100, Indianapolis, IN 46278. The certification must enumerate the qualifying expenditures incurred by the domestic producer since the issuance of an order or finding and it must demonstrate that the domestic producer is eligible to receive a distribution as an affected domestic producer or allege another basis for eligibility. Any false statements made in connection with certifications submitted to CBP may give rise to liability under the *False Claims Act* (*see* 31 U.S.C. 3729–3733) and/or to criminal prosecution.

A successor to a company that was an affected domestic producer at the time of acquisition should consult 19 CFR 159.61(b)(1)(i). Any company that files a certification claiming to be the successor company to an affected domestic producer will be deemed to have consented to joint and several liability for the return of any overpayments arising under section 159.64(b)(3) that were previously paid to the predecessor. CBP may require the successor company to provide documents to support its eligibility to receive a distribution as set out in section 159.63(d). Additionally, any individual or company who purchases any portion of the operating assets of an affected domestic producer, a successor to an affected domestic producer, or an entity that otherwise previously received distributions may be jointly and severally liable for the return of any overpayments arising under section 159.64(b)(3) that were previously paid to the entity from which the operating assets were purchased or its predecessor, regardless of whether the purchasing individual or company is deemed a successor company for purposes of receiving distributions.

A member company (or its successor) of an association that appears on the list of affected domestic producers in this notice, where the member company itself does not appear on this list, should consult 19 CFR 159.61(b)(1)(ii). Specifically, for a certification under 19 CFR 159.61(b)(1)(ii), the claimant must name the association of which it is a member, specifically establish that it was a member of the association at the time the association filed the petition with the USITC, and establish that the claimant is a current member of the association.

In order to promote accurate filings and more efficiently process the distributions, we offer the following guidance:

- If claimants are members of an association but the association does not file on their behalf, the association will need to provide its members with a statement that contains notarized company-specific information including dates of membership and an original signature from an authorized representative of the association.
- An association filing a certification on behalf of a member must also provide a power of attorney or other evidence of legal authorization from each of the domestic producers it is representing.
- Any association filing a certification on behalf of a member is responsible for verifying the legal sufficiency and accuracy of the member's financial records, which support the claim, and is responsible for that certification. As such, an association filing a certification on behalf of a member is jointly and severally liable with the member for repayment of any claim found to have been paid or overpaid in error.

The association may file a certification in its own right to claim an offset for that order or finding, but its qualifying expenditures would be limited to those expenditures that the association itself has incurred after the date of the order or finding in connection with the particular case.

As provided in 19 CFR 159.63(a), certifications to obtain a distribution of an offset (including any distribution under 19 U.S.C. 4401) must be received by CBP no later than 60 calendar days after the date of publication of the notice of intent in the **Federal Register**. All certifications received after the 60-day deadline will be summarily denied, making claimants ineligible for the distribution regardless of whether or not they appeared on the USITC list.

A list of all certifications received will be published on the CBP Web site (*http://www.cbp.gov*) shortly after the receipt deadline. This publication will not confirm acceptance or validity of the certification, but merely receipt of the certification. Due to the high volume of certifications, CBP is unable to respond to individual telephone or written inquiries regarding the status of a certification appearing on the list.

While there is no required format for a certification, CBP has developed a standard certification form to aid claimants in filing certifications. The certification form is available at *https://www.pay.gov* under the Public Form Name ''Continued Dumping and Subsidy Offset Act of 2000 Certification'' (CBP Form Number 7401) or by directing a web browser to *https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=8776895.* The certification form can be submitted electronically through *https://www.pay.gov* or by mail. All certifications not submitted electronically must include original signatures.

Regardless of the format for a certification, per 19 CFR 159.63(b), the certification must contain the following information:

(1) The date of this **Federal Register** notice;

(2) The Department of Commerce antidumping or countervailing duty case number (for example, A–331–802);

(3) The case name (producer/country);

(4) The name of the domestic producer and any name qualifier, if applicable (for example, any other name under which the domestic producer does business or is also known);

(5) The mailing address of the domestic producer (if a post office box, the physical street address must also appear) including, if applicable, a specific room number or department;

(6) The Internal Revenue Service (IRS) number (with suffix) of the domestic producer, employer identification number, or social security number, as applicable;

(7) The specific business organization of the domestic producer (corporation, partnership, sole proprietorship);

(8) The name(s) of any individual(s) designated by the domestic producer as the contact person(s) concerning the certification, together with the phone number(s), mailing address, and, if available, facsimile transmission number(s) and electronic mail (email) address(es) for the person(s). Correspondence from CBP may be directed to the designated contact(s) by either mail or phone or both;

(9) The total dollar amount claimed;

(10) The dollar amount claimed by category, as described in the section below entitled ''Amount Claimed for Distribution'';

(11) A statement of eligibility, as described in the section below entitled ''Eligibility to Receive Distribution''; and

(12) For certifications not submitted electronically through *https://www.pay.gov*, an original signature by an individual legally authorized to bind the producer.

Qualifying Expenditures That May Be Claimed for Distribution

Qualifying expenditures that may be offset under the CDSOA encompass those expenditures incurred by the domestic producer after issuance of an antidumping duty order or finding or a countervailing duty order (including expenditures incurred on the date of the order's issuance), and prior to its termination, provided that such expenditures fall within certain categories. *See* 19 CFR 159.61(c). The CDSOA repeal language parallels the termination of an order or finding. Therefore, for duty orders or findings that have not been previously revoked, expenses must be incurred before October 1, 2007, to be eligible for offset. For duty orders or findings that have been revoked, expenses must be incurred before the effective date of the revocation to be eligible for offset. For example, assume for case A–331–802 Certain Frozen Warm-Water Shrimp and Prawns from Ecuador, that the order date is February 1, 2005, and that the revocation effective date is August 15, 2007. In this case, eligible expenditures would have to be incurred on or after February 1, 2005, up to and including August 14, 2007; expenditures incurred on or after August 15, 2007 cannot be included as eligible qualifying expenditures for A–331–802.

For the convenience and ease of the domestic producers, CBP is providing guidance on what the agency takes into consideration when making a calculation for each of the following categories:

(1) Manufacturing facilities (Any facility used for the transformation of raw material into a finished product that is the subject of the related order or finding);

(2) Equipment (Goods that are used in a business environment to aid in the manufacturing of a product that is the subject of the related order or finding);

(3) Research and development (Seeking knowledge and determining the best techniques for production of the product that is the subject of the related order or finding);

(4) Personnel training (Teaching of specific useful skills to personnel, that will improve performance in the production process of the product that is the subject of the related order or finding);

(5) Acquisition of technology (Acquisition of applied scientific knowledge and materials to achieve an objective in the production process of the product that is the subject of the related order or finding);

(6) Health care benefits for employees paid for by the employer (Health care benefits paid to employees who are producing the specific product that is the subject of the related order or finding);

(7) Pension benefits for employees paid for by the employer (Pension benefits paid to employees who are producing the specific product that is the subject of the related order or finding);

(8) Environmental equipment, training, or technology (Equipment, training, or technology used in the production of the product that is the subject of the related order or finding, that will assist in preventing potentially harmful factors from affecting the environment);

(9) Acquisition of raw materials and other inputs (Purchase of unprocessed materials or other inputs needed for the production of the product that is the subject of the related order or finding); and

(10) Working capital or other funds needed to maintain production (Assets of a business that can be applied to its production of the product that is the subject of the related order or finding).

Amount Claimed for Distribution

In calculating the amount of the distribution being claimed as an offset, the certification must indicate:

(1) The total amount of any qualifying expenditures previously certified by the domestic producer, and the amount certified by category;

(2) The total amount of those expenditures which have been the subject of any

prior distribution for the order or finding being certified under 19 U.S.C. 1675c; and

(3) The net amount for new and remaining qualifying expenditures being claimed in the current certification (the total amount previously certified as noted in item ''(1)'' above minus the total amount that was the subject of any prior distribution as noted in item ''(2)'' above). In accordance with 19 CFR 159.63(b)(2)(i)–(iii), CBP will deduct the amount of any prior distribution from the producer's claimed amount for that case. Total amounts disbursed by CBP under the CDSOA for some prior Fiscal Years are available on the CBP Web site.

Additionally, under 19 CFR 159.61(c), these qualifying expenditures must be related to the production of the same product that is the subject of the order or finding, with the exception of expenses incurred by associations which must be related to a specific case. Any false statements made to CBP concerning the amount of distribution being claimed as an offset may give rise to liability under the *False Claims Act* (*see* 31 U.S.C. 3729–3733) and/or to criminal prosecution.

Eligibility To Receive Distribution

As noted, the certification must contain a statement that the domestic producer desires to receive a distribution and is eligible to receive the distribution as an affected domestic producer or on another legal basis. Also, the domestic producer must affirm that the net amount certified for distribution does not encompass any qualifying expenditures for which distribution has previously been made (19 CFR 159.63(b)(3)(i)). Any false statements made in connection with certifications submitted to CBP may give rise to liability under the *False Claims Act* (*see* 31 U.S.C. 3729–3733) and/or to criminal prosecution.

Furthermore, under 19 CFR 159.63(b)(3)(ii), where a domestic producer files a separate certification for more than one order or finding using the same qualifying expenditures as the basis for distribution in each case, each certification must list all the other orders or findings where the producer is claiming the same qualifying expenditures.

Moreover, as required by 19 U.S.C. 1675c(b)(1) and 19 CFR 159.63(b)(3)(iii), the certification must include information as to whether the domestic producer remains in operation at the time the certifications are filed and continues to produce the product covered by the particular order or finding under which the distribution is sought. If a domestic producer is no longer in operation, or no longer produces the product covered by the order or finding, the producer will not be considered an affected domestic producer entitled to receive a distribution.

In addition, as required by 19 U.S.C. 1675c(b)(5) and 19 CFR 159.63(b)(3)(iii), the domestic producer must state whether it has been acquired by a company that opposed the investigation or was acquired by a business related to a company that opposed the investigation. If a domestic producer has been so acquired, the producer will not be considered an affected domestic producer entitled to receive a distribution. However, CBP may not make a final decision regarding a claimant's eligibility to receive funds until certain legal issues which may affect that claimant's eligibility are

resolved. In these instances, CBP may withhold an amount of funds corresponding to the claimant's alleged *pro rata* share of funds from distribution pending the resolution of those legal issues.

The certification must be executed and dated by a party legally authorized to bind the domestic producer and it must state that the information contained in the certification is true and accurate to the best of the certifier's knowledge and belief under penalty of law, and that the domestic producer has records to support the qualifying expenditures being claimed (see section below entitled ''Verification of Certification''). Moreover as provided in 19 CFR 159.64(b)(3), overpayments to affected domestic producers are recoverable by CBP and CBP reserves the right to use all available collection tools to recover overpayments, including but not limited to garnishments, court orders, administrative offset, enrollment in the Treasury Offset Program, and/or offset of tax refund payments. Overpayments may occur for a variety of reasons such as reliquidations, court actions, settlements, insufficient verification of a certification in response to an inquiry from CBP, and administrative errors. With diminished amounts available over time, the likelihood that these events will require the recovery of funds previously distributed will increase. As a result, domestic producers who receive distributions under the CDSOA may wish to set aside any funds received in case it is subsequently determined that an overpayment has occurred. CBP considers the submission of a certification and the negotiation of any distribution checks received as acknowledgements and acceptance of the claimant's obligation to return those funds upon demand.

Review and Correction of Certification

A certification that is submitted in response to this notice of intent to distribute and received within 60 calendar days after the date of publication of the notice in the **Federal Register** may, at CBP's sole discretion, be subject to review before acceptance to ensure that all informational requirements are complied with and that any amounts set forth in the certification for qualifying expenditures, including the amount claimed for distribution, appear to be correct. A certification that is found to be materially incorrect or incomplete will be returned to the domestic producer within 15 business days after the close of the 60 calendar-day filing period, as provided in 19 CFR 159.63(c). In making this determination, CBP will not speculate as to the reason for the error (*e.g.,* intentional, typographical, etc.). CBP must receive a corrected certification from the domestic producer and/or an association filing on behalf of an association member within 10 business days from the date of the original denial letter. Failure to receive a corrected certification within 10 business days will result in denial of the certification at issue. It is the sole responsibility of the domestic producer to ensure that the certification is correct, complete, and accurate so as to demonstrate the eligibility of the domestic producer to the distribution requested. Failure to ensure that the certification is correct, complete, and accurate will result in the domestic producer not receiving a distribution and/or a demand for the return of funds.

Verification of Certification

Certifications are subject to CBP's verification. The burden remains on each claimant to fully substantiate all elements of its certification. As such, claimants may be required to provide copies of additional records for further review by CBP. Therefore, parties are required to maintain, and be prepared to produce, records adequately supporting their claims for a period of five years after the filing of the certification (19 CFR 159.63(d)). The records must demonstrate that each qualifying expenditure enumerated in the certification was actually incurred, and they must support how the qualifying expenditures are determined to be related to the production of the product covered by the order or finding. Although CBP will accept comments and information from the public and other domestic producers, CBP retains complete discretion regarding the initiation and conduct of investigations stemming from such information. In the event that a distribution is made to a domestic producer from whom CBP later seeks verification of the certification and sufficient supporting documentation is not provided as determined by CBP, then the amounts paid to the affected domestic producer are recoverable by CBP as an overpayment. CBP reserves the right to use all available collection tools to recover overpayments, including but not limited to garnishments, court orders, administrative offset, enrollment in the Treasury Offset Program, and/or offset of tax refund payments. CBP considers the submission of a certification and the negotiation of any distribution checks received as acknowledgements and acceptance of the claimant's obligation to return those funds upon demand. Additionally, the submission of false statements, documents, or records in connection with a certification or verification of a certification may give rise to liability under the *False Claims Act* (*see* 31 U.S.C. 3729–3733) and/or to criminal prosecution.

Disclosure of Information in Certifications; Acceptance by Producer

The name of the claimant, the total dollar amount claimed by the party on the certification, as well as the total dollar amount that CBP actually disburses to that affected domestic producer as an offset, will be available for disclosure to the public, as specified in 19 CFR 159.63(e). To this extent, the submission of the certification is construed as an understanding and acceptance on the part of the domestic producer that this information will be disclosed to the public and a waiver of any right to privacy or non-disclosure. Additionally, a statement in a certification that this information is proprietary and exempt from disclosure may result in CBP's rejection of the certification.

List of Orders or Findings and Related Domestic Producers

The list of individual antidumping duty orders or findings and countervailing duty orders is set forth below together with the affected domestic producers associated with each order or finding who are potentially eligible to receive an offset. Those domestic producers not on the list must allege another basis for eligibility in their certification. Appearance of a domestic producer on the list is not a guarantee of distribution.

Dated: May 17, 2017.

Kathryn L Kolbe,

Executive Assistant Commissioner, Enterprise Services.

Attachment

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–122–006	AA1921–49	Steel Jacks/Canada	Bloomfield Manufacturing (formerly Harrah Manufacturing). Seaburn Metal Products.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–122–047	AA1921–127	Elemental Sulphur/Canada	Duval.
A–122–085	731–TA–3	Sugar and Syrups/Canada	Amstar Sugar.
A–122–401	731–TA–196	Red Raspberries/Canada	Northwest Food Producers' Association. Oregon Caneberry Commission. Rader Farms. Ron Roberts. Shuksan Frozen Food. Washington Red Raspberry Commission.
A–122–503	731–TA–263	Iron Construction Castings/Canada.	Alhambra Foundry. Allegheny Foundry. Bingham & Taylor Campbell Foundry. Charlotte Pipe & Foundry. Deeter Foundry. East Jordan Foundry. Le Baron Foundry. Municipal Castings. Neenah Foundry. Opelika Foundry. Pinkerton Foundry. Tyler Pipe. US Foundry & Manufacturing. Vulcan Foundry.
A–122–506	731–TA–276	Oil Country Tubular Goods/Canada.	CF&I Steel. Copperweld Tubing. Cyclops. KPC. Lone Star Steel. LTV Steel. Maverick Tube. Quanex. US Steel.
A–122–601	731–TA–312	Brass Sheet and Strip/Canada	Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. Olin. Revere Copper Products. United Steelworkers of America.
A–122–605	731–TA–367	Color Picture Tubes/Canada	Industrial Union Department, AFL–CIO. International Association of Machinists & Aerospace Workers. International Brotherhood of Electrical Workers. International Union of Electronic, Electrical, Technical, Salaried and Machine Workers. Philips Electronic Components Group. United Steelworkers of America. Zenith Electronics.
A–122–804	731–TA–422	Steel Rails/Canada	Bethlehem Steel. CF&I Steel.
A–122–814	731–TA–528	Pure Magnesium/Canada	Magnesium Corporation of America.
A–122–822	731–TA–614	Corrosion-Resistant Carbon Steel Flat Products/Canada.	Armco Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
A–122–823	731–TA–575	Cut-to-Length Carbon Steel Plate/Canada.	Bethlehem Steel. California Steel Industries.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
A–122–830	731–TA–789	Stainless Steel Plate in Coils/ Canada.	Allegheny Ludlum. Armco Steel. J&L Specialty Steel. Lukens Steel. North American Stainless
A–122–838	731–TA–928	Softwood Lumber/Canada	71 Lumber Co. Almond Bros Lbr Co. Anthony Timberlands. Balfour Lbr Co. Ball Lumber. Banks Lumber Company. Barge Forest Products Co. Beadles Lumber Co. Bearden Lumber. Bennett Lumber. Big Valley Band Mill. Bighorn Lumber Co Inc. Blue Mountain Lumber. Buddy Bean Lumber. Burgin Lumber Co Ltd. Burt Lumber Company. C&D Lumber Co. Ceda-Pine Veneer. Cersosimo Lumber Co Inc. Charles Ingram Lumber Co Inc. Charleston Heart Pine. Chesterfield Lumber. Chips. Chocorua Valley Lumber Co. Claude Howard Lumber. Clearwater Forest Industries. CLW Inc. CM Tucker Lumber Corp. Coalition for Fair Lumber Imports Executive Committee. Cody Lumber Co. Collins Pine Co. Collums Lumber. Columbus Lumber Co. Contoocook River Lumber. Conway Guiteau Lumber. Cornwright Lumber Co. Crown Pacific. Daniels Lumber Inc. Dean Lumber Co Inc. Deltic Timber Corporation. Devils Tower Forest Products. DiPrizio Pine Sales. Dorchester Lumber Co. DR Johnson Lumber. East Brainerd Lumber Co. East Coast Lumber Company. Eas-Tex Lumber. ECK Wood Products. Ellingson Lumber Co. Elliott Sawmilling. Empire Lumber Co. Evergreen Forest Products. Excalibur Shelving Systems Inc. Exley Lumber Co. FH Stoltze Land & Lumber Co. FL Turlington Lbr Co Inc. Fleming Lumber.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Flippo Lumber. Floragen Forest Products. Frank Lumber Co. Franklin Timber Co. Fred Tebb & Sons. Fremont Sawmill. Frontier Resources. Garrison Brothers Lumber Co and Subsidiaries. Georgia Lumber. Gilman Building Products. Godfrey Lumber. Granite State Forest Prod Inc. Great Western Lumber Co. Greenville Molding Inc. Griffin Lumber Company. Guess Brothers Lumber. Gulf Lumber. Gulf States Paper. Guy Bennett Lumber. Hampton Resources. Hancock Lumber. Hankins Inc. Hankins Lumber Co. Harrigan Lumber. Harwood Products. Haskell Lumber Inc. Hatfield Lumber. Hedstrom Lumber. Herrick Millwork Inc. HG Toler & Son Lumber Co Inc. HG Wood Industries LLC. Hogan & Storey Wood Prod. Hogan Lumber Co. Hood Industries. HS Hofler & Sons Lumber Co Inc. Hubbard Forest Ind Inc. HW Culp Lumber Co. Idaho Veneer Co. Industrial Wood Products. Intermountain Res LLC. International Paper. J Franklin Jones Lumber Co Inc. Jack Batte & Sons Inc. Jasper Lumber Company. JD Martin Lumber Co. JE Jones Lumber Co. Jerry G Williams & Sons. JH Knighton Lumber Co. Johnson Lumber Company. Jordan Lumber & Supply. Joseph Timber Co. JP Haynes Lbr Co Inc. JV Wells Inc. JW Jones Lumber. Keadle Lumber Enterprises. Keller Lumber. King Lumber Co. Konkolville Lumber. Langdale Forest Products. Laurel Lumber Company. Leavitt Lumber Co. Leesville Lumber Co. Limington Lumber Co. Longview Fibre Co. Lovell Lumber Co Inc. M Kendall Lumber Co. Manke Lumber Co. Marriner Lumber Co. Mason Lumber. MB Heath & Sons Lumber Co. MC Dixon Lumber Co Inc. Mebane Lumber Co Inc. Metcalf Lumber Co Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Millry Mill Co Inc. Moose Creek Lumber Co. Moose River Lumber. Morgan Lumber Co Inc. Mount Yonah Lumber Co. Nagel Lumber. New Kearsarge Corp. New South. Nicolet Hardwoods. Nieman Sawmills SD. Nieman Sawmills WY. North Florida. Northern Lights Timber & Lumber. Northern Neck Lumber Co. Ochoco Lumber Co. Olon Belcher Lumber Co. Owens and Hurst Lumber. Packaging Corp of America. Page & Hill Forest Products. Paper, Allied-Industrial, Chemical and Energy Workers. International Union. Parker Lumber. Pate Lumber Co Inc. PBS Lumber. Pedigo Lumber Co. Piedmont Hardwood Lumber Co. Pine River Lumber Co. Pinecrest Lumber Co. Pleasant River Lumber Co. Pleasant Western Lumber Inc. Plum Creek Timber. Pollard Lumber. Portac. Potlatch. Potomac Supply. Precision Lumber Inc. Pruitt Lumber Inc. R Leon Williams Lumber Co. RA Yancey Lumber. Rajala Timber Co. Ralph Hamel Forest Products. Randy D Miller Lumber. Rappahannock Lumber Co. Regulus Stud Mills Inc. Riley Creek Lumber. Roanoke Lumber Co. Robbins Lumber. Robertson Lumber. Roseburg Forest Products Co. Rough & Ready. RSG Forest Products. Rushmore Forest Products. RY Timber Inc. Sam Mabry Lumber Co. Scotch Lumber. SDS Lumber Co. Seacoast Mills Inc. Seago Lumber. Seattle-Snohomish. Seneca Sawmill. Shaver Wood Products. Shearer Lumber Products. Shuqualak Lumber. SI Storey Lumber. Sierra Forest Products. Sierra Pacific Industries. Sigfridson Wood Products. Silver City Lumber Inc. Somers Lbr & Mfg Inc. South & Jones. South Coast. Southern Forest Industries Inc. Southern Lumber.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			St Laurent Forest Products. Starfire Lumber Co. Steely Lumber Co Inc. Stimson Lumber. Summit Timber Co. Sundance Lumber. Superior Lumber. Swanson Superior Forest Products Inc. Swift Lumber. Tamarack Mill. Taylor Lumber & Treating Inc. Temple-Inland Forest Products. Thompson River Lumber. Three Rivers Timber. Thrift Brothers Lumber Co Inc. Timco Inc. Tolleson Lumber. Toney Lumber. TR Miller Mill Co. Tradewinds of Virginia Ltd. Travis Lumber Co. Tree Source Industries Inc. Tri-State Lumber. TTT Studs. United Brotherhood of Carpenters and Joiners. Viking Lumber Co. VP Kiser Lumber Co. Walton Lumber Co Inc. Warm Springs Forest Products. Westvaco Corp. Wilkins, Kaiser & Olsen Inc. WM Shepherd Lumber Co. WR Robinson Lumber Co Inc. Wrenn Brothers Inc. Wyoming Sawmills. Yakama Forest Products. Younce & Ralph Lumber Co Inc. Zip-O-Log Mills Inc
A–122–840	731–TA–954	Carbon and Certain Alloy Steel Wire Rod/Canada.	AmeriSteel. Birmingham Steel. Cascade Steel Rolling Mills. Connecticut Steel Corp. Co-Steel Raritan. GS Industries. Keystone Consolidated Industries. North Star Steel Texas. Nucor Steel-Nebraska (a division of Nucor Corp). Republic Technologies International. Rocky Mountain Steel Mills.
A–122–847	731–TA–1019B ...	Hard Red Spring Wheat/Canada	North Dakota Wheat Commission.
A–201–504	731–TA–297	Porcelain-on-Steel Cooking Ware/Mexico.	General Housewares.
A–201–601	731–TA–333	Fresh Cut Flowers/Mexico	Burdette Coward. California Floral Council. Floral Trade Council. Florida Flower Association. Gold Coast Uanko Nursery. Hollandia Wholesale Florist. Manatee Fruit. Monterey Flower Farms. Topstar Nursery.
A–201–802	731–TA–451	Gray Portland Cement and Clinker/Mexico.	Alamo Cement. Blue Circle. BoxCrow Cement. Calaveras Cement. Capitol Aggregates. Centex Cement. Florida Crushed Stone. Gifford-Hill. Hanson Permanente Cement. Ideal Basic Industries. Independent Workers of North America (Locals 49, 52, 89, 192 and 471).

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			International Union of Operating Engineers (Local 12). National Cement Company of Alabama. National Cement Company of California. Phoenix Cement. Riverside Cement. Southdown. Tarmac America. Texas Industries.
A–201–805	731–TA–534	Circular Welded Nonalloy Steel Pipe/Mexico.	Allied Tube & Conduit. American Tube. Bull Moose Tube. Century Tube. CSI Tubular Products. Cyclops. Laclede Steel. LTV Tubular Products. Maruichi American. Sharon Tube. USX. Western Tube & Conduit. Wheatland Tube.
A–201–806	731–TA–547	Carbon Steel Wire Rope/Mexico	Bridon American. Macwhyte. Paulsen Wire Rope. The Rochester Corporation. United Automobile, Aerospace and Agricultural. Implement Workers (Local 960). Williamsport. Wire-rope Works. Wire Rope Corporation of America.
A–201–809	731–TA–582	Cut-to-Length Carbon Steel Plate/Mexico.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
A–201–817	731–TA–716	Oil Country Tubular Goods/Mexico.	IPSCO. Koppel Steel. Maverick Tube. Newport Steel. North Star Steel. US Steel. USS/Kobe.
A–201–820	731–TA–747	Fresh Tomatoes/Mexico	Accomack County Farm Bureau. Ad Hoc Group of Florida, California, Georgia, Pennsylvania, South Carolina, Tennessee and Virginia Tomato Growers. Florida Farm Bureau Federation. Florida Fruit and Vegetable Association. Florida Tomato Exchange. Florida Tomato Growers Exchange. Gadsden County Tomato Growers Association. South Carolina Tomato Association.
A–201–822	731–TA–802	Stainless Steel Sheet and Strip/Mexico.	Allegheny Ludlum. Armco. Bethlehem Steel. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless. United Steelworkers of America.
A–201–827	731–TA–848	Large-Diameter Carbon Steel Seamless Pipe/Mexico.	North Star Steel. Timken. US Steel. United Steelworkers of America. USS/Kobe.
A–201–828	731–TA–920	Welded Large Diameter Line Pipe/Mexico.	American Cast Iron Pipe. Berg Steel Pipe.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Bethlehem Steel. Napa Pipe/Oregon Steel Mills. Saw Pipes USA. Stupp. US Steel.
A–201–830	731–TA–958	Carbon and Certain Alloy Steel Wire Rod/Mexico.	AmeriSteel. Birmingham Steel. Cascade Steel Rolling Mills. Connecticut Steel Corp. Co-Steel Raritan. GS Industries. Keystone Consolidated Industries. North Star Steel Texas. Nucor Steel-Nebraska (a division of Nucor Corp). Republic Technologies International. Rocky Mountain Steel Mills.
A–201–831	731–TA–1027	Prestressed Concrete Steel Wire Strand/Mexico.	American Spring Wire Corp. Insteel Wire Products Co. Sivaco Georgia LLC. Strand Tech Martin Inc. Sumiden Wire Products Corp.
A–201–834	731–TA–1085	Purified Carboxymethylcellulose/ Mexico.	Aqualon Co a Division of Hercules Inc.
A–274–804	731–TA–961	Carbon and Certain Alloy Steel Wire Rod/Trinidad & Tobago.	AmeriSteel. Birmingham Steel. Cascade Steel Rolling Mills. Connecticut Steel Corp. Co-Steel Raritan. GS Industries. Keystone Consolidated Industries. North Star Steel Texas. Nucor Steel-Nebraska (a division of Nucor Corp). Republic Technologies International. Rocky Mountain Steel Mills.
A–301–602	731–TA–329	Fresh Cut Flowers/Colombia	Burdette Coward. California Floral Council. Floral Trade Council. Florida Flower Association. Gold Coast Uanko Nursery. Hollandia Wholesale Florist. Manatee Fruit. Monterey Flower Farms. Pajaro Valley Greenhouses. Topstar Nursery.
A–307–803	731–TA–519	Gray Portland Cement and Clinker/Venezuela.	Florida Crushed Stone. Southdown. Tarmac America.
A–307–805	731–TA–537	Circular Welded Nonalloy Steel Pipe/Venezuela.	Allied Tube & Conduit. American Tube. Bull Moose Tube. Century Tube. CSI Tubular Products. Cyclops. Laclede Steel. LTV Tubular Products. Maruichi American. Sharon Tube. USX. Western Tube & Conduit. Wheatland Tube.
A–307–807	731–TA–570	Ferrosilicon/Venezuela	AIMCOR. Alabama Silicon. American Alloys. Globe Metallurgical. Oil, Chemical and Atomic Workers (Local 389). Silicon Metaltech. United Autoworkers of America (Local 523). United Steelworkers of America (Locals 2528, 3081, 5171 and 12646).
A–307–820	731–TA–931	Silicomanganese/Venezuela	Eramet Marietta. Paper, Allied-Industrial, Chemical and Energy Workers. International Union, Local 5–0639.
A–331–602	731–TA–331	Fresh Cut Flowers/Ecuador	Burdette Coward.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			California Floral Council. Floral Trade Council. Florida Flower Association. Gold Coast Uanko Nursery. Hollandia Wholesale Florist. Manatee Fruit. Monterey Flower Farms. Topstar Nursery.
A–337–803	731–TA–768	Fresh Atlantic Salmon/Chile	Atlantic Salmon of Maine. Cooke Aquaculture US. DE Salmon. Global Aqua USA. Island Aquaculture. Maine Coast Nordic. Scan Am Fish Farms. Treats Island Fisheries. Trumpet Island Salmon Farm.
A–337–804	731–TA–776	Preserved Mushrooms/Chile	LK Bowman. Modern Mushroom Farms. Monterey Mushrooms. Mount Laurel Canning. Mushroom Canning. Southwood Farms. Sunny Dell Foods. United Canning.
A–337–806	731–TA–948	Individually Quick Frozen Red Raspberries/Chile.	A&A Berry Farms. Bahler Farms. Bear Creek Farms. David Burns. Columbia Farms. Columbia Fruit. George Culp. Dobbins Berry Farm. Enfield. Firestone Packing. George Hoffman Farms. Heckel Farms. Wendell Kreder. Curt Maberry. Maberry Packing. Mike & Jean's. Nguyen Berry Farms. Nick's Acres. North Fork. Parson Berry Farm. Pickin 'N' Pluckin. Postage Stamp Farm. Rader. RainSweet. Scenic Fruit. Silverstar Farms. Tim Straub. Thoeny Farms. Townsend. Tsugawa Farms. Updike Berry Farms. Van Laeken Farms.
A–351–503	731–TA–262	Iron Construction Castings/Brazil	Alhambra Foundry. Allegheny Foundry. Bingham & Taylor. Campbell Foundry. Charlotte Pipe & Foundry. Deeter Foundry. East Jordan Foundry. Le Baron Foundry. Municipal Castings. Neenah Foundry. Opelika Foundry. Pinkerton Foundry. Tyler Pipe. US Foundry & Manufacturing. Vulcan Foundry.
A–351–505	731–TA–278	Malleable Cast Iron Pipe Fittings/ Brazil.	Grinnell. Stanley G Flagg.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Stockham Valves & Fittings. U-Brand. Ward Manufacturing.
A–351–602	731–TA–308	Carbon Steel Butt-Weld Pipe Fittings/Brazil.	Ladish. Mills Iron Works. Steel Forgings. Tube Forgings of America. Weldbend.
A–351–603	731–TA–311	Brass Sheet and Strip/Brazil	Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. Olin. Revere Copper Products. United Steelworkers of America.
A–351–605	731–TA–326	Frozen Concentrated Orange Juice/Brazil.	Alcoma Packing. B&W Canning. Berry Citrus Products. Caulkins Indiantown Citrus. Citrus Belle. Citrus World. Florida Citrus Mutual.
A–351–804	731–TA–439	Industrial Nitrocellulose/Brazil	Hercules.
A–351–806	731–TA–471	Silicon Metal/Brazil	American Alloys. Globe Metallurgical. International Union of Electronics, Electrical, Machine. and Furniture Workers (Local 693). Oil, Chemical and Atomic Workers (Local 389). Silicon Metaltech. SiMETCO. Textile Processors, Service Trades, Health Care Professional and Technical Employees (Local 60). United Steelworkers of America (Locals 5171, 8538 and 12646).
A–351–809	731–TA–532	Circular Welded Nonalloy Steel Pipe/Brazil.	Allied Tube & Conduit. American Tube. Bull Moose Tube. Century Tube. CSI Tubular Products. Cyclops. Laclede Steel. LTV Tubular Products. Maruichi American. Sharon Tube. USX. Western Tube & Conduit. Wheatland Tube.
A–351–817	731–TA–574	Cut-to-Length Carbon Steel Plate/Brazil.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
A–351–819	731–TA–636	Stainless Steel Wire Rod/Brazil	AL Tech Specialty Steel. Armco Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
A–351–820	731–TA–641	Ferrosilicon/Brazil	AIMCOR. Alabama Silicon.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			American Alloys. Globe Metallurgical. Oil, Chemical and Atomic Workers (Local 389). Silicon Metaltech. United Autoworkers of America (Local 523). United Steelworkers of America (Locals 2528, 3081, 5171 and 12646).
A–351–824	731–TA–671	Silicomanganese/Brazil	Elkem Metals. Oil, Chemical and Atomic Workers (Local 3–639).
A–351–825	731–TA–678	Stainless Steel Bar/Brazil	AL Tech Specialty Steel. Carpenter Technology. Crucible Specialty Metals. Electralloy. Republic Engineered Steels. Slater Steels. Talley Metals Technology. United Steelworkers of America.
A–351–826	731–TA–708	Seamless Pipe/Brazil	Koppel Steel. Quanex. Timken. United States Steel.
A–351–828	731–TA–806	Hot-Rolled Carbon Steel Flat Products/Brazil.	Acme Steel. Bethlehem Steel. California Steel Industries. Gallatin Steel. Geneva Steel. Gulf States Steel. Independent Steelworkers. IPSCO. Ispat/Inland. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A–351–832	731–TA–953	Carbon and Certain Alloy Steel Wire Rod/Brazil.	AmeriSteel. Birmingham Steel. Cascade Steel Rolling Mills. Connecticut Steel Corp. Co-Steel Raritan. GS Industries. Keystone Consolidated Industries. North Star Steel Texas. Nucor Steel-Nebraska (a division of Nucor Corp). Republic Technologies International. Rocky Mountain Steel Mills.
A–351–837	731–TA–1024	Prestressed Concrete Steel Wire Strand/Brazil.	American Spring Wire Corp. Insteel Wire Products Co. Sivaco Georgia LLC. Strand Tech Martin Inc. Sumiden Wire Products Corp.
A–351–840	731–TA–1089	Certain Orange Juice/Brazil	A Duda & Sons Inc. Alico Inc. John Barnelt. Ben Hill Griffin Inc. Bliss Citrus. BTS A Florida General Partnership. Cain Groves. California Citrus Mutual. Cedar Haven Inc. Citrus World Inc. Clonts Groves Inc. Davis Enterprises Inc. D Edwards Dickinson. Evans Properties Inc. Florida Citrus Commission. Florida Citrus Mutual. Florida Farm Bureau Federation.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Florida Fruit & Vegetable Association. Florida State of Department of Citrus. Flying V Inc. GBS Groves Inc. Graves Brothers Co. H&S Groves. Hartwell Groves Inc. Holly Hill Fruit Products Co. Jack Melton Family Inc. K-Bob Inc. L Dicks Inc. Lake Pickett Partnership Inc. Lamb Revocable Trust Gerilyn Rebecca S Lamb Trustee. Lykes Bros Inc. Martin J McKenna. Orange & Sons Inc. Osgood Groves. William W Parshall. PH Freeman & Sons. Pierie Grove. Raymond & Melissa Pierie. Roper Growers Cooperative. Royal Brothers Groves. Seminole Tribe of Florida Inc. Silverman Groves/Rilla Cooper. Smoak Groves Inc. Sorrells Groves Inc. Southern Gardens Groves Corp. Southern Gardens Processing Corp. Southern Groves Citrus. Sun Ag Inc. Sunkist Growers Inc. Texas Citrus Exchange. Texas Citrus Mutual. Texas Produce Association. Travis Wise Management Inc. Uncle Matt's Fresh Inc. Varn Citrus Growers Inc.
A–357–007	731–TA–157	Carbon Steel Wire Rod/Argentina	Atlantic Steel. Continental Steel. Georgetown Steel. North Star Steel. Raritan River Steel.
A–357–405	731–TA–208	Barbed Wire and Barbless Wire Strand/Argentina.	CF&I Steel. Davis Walker. Forbes Steel & Wire. Oklahoma Steel Wire.
A–357–802	731–TA–409	Light-Walled Rectangular Tube/ Argentina.	Bull Moose Tube. Hannibal Industries. Harris Tube. Maruichi American. Searing Industries. Southwestern Pipe. Western Tube & Conduit.
A–357–804	731–TA–470	Silicon Metal/Argentina	American Alloys. Elkem Metals. Globe Metallurgical. International Union of Electronics, Electrical, Machine and Furniture Workers (Local 693). Oil, Chemical and Atomic Workers (Local 389). Silicon Metaltech. SiMETCO. SKW Alloys. Textile Processors, Service Trades, Health Care Professional and Technical Employees (Local 60). United Steelworkers of America (Locals 5171, 8538 and 12646).
A–357–809	731–TA–707	Seamless Pipe/Argentina	Koppel Steel. Quanex. Timken. United States Steel.
A–357–810	731–TA–711	Oil Country Tubular Goods/Argentina.	IPSCO. Koppel Steel. Lone Star Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Maverick Tube.
			Newport Steel.
			North Star Steel.
			US Steel.
			USS/Kobe.
A–357–812	731–TA–892	Honey/Argentina	AH Meyer & Sons.
			Adee Honey Farms.
			Althoff Apiaries.
			American Beekeeping Federation.
			American Honey Producers Association.
			Anderson Apiaries.
			Arroyo Apiaries.
			Artesian Honey Producers.
			B Weaver Apiaries.
			Bailey Enterprises.
			Barkman Honey.
			Basler Honey Apiary.
			Beals Honey.
			Bears Paw Apiaries.
			Beaverhead Honey.
			Bee Biz.
			Bee Haven Honey.
			Belliston Brothers Apiaries.
			Big Sky Honey.
			Bill Rhodes Honey.
			Richard E Blake.
			Curt Bronnenberg.
			Brown's Honey Farms.
			Brumley's Bees.
			Buhmann Apiaries.
			Carys Honey Farms.
			Chaparrel Honey.
			Charles Apiaries.
			Mitchell Charles.
			Collins Honey.
			Conor Apiaries.
			Coy's Honey Farm.
			Dave Nelson Apiaries.
			Delta Bee.
			Eisele's Pollination & Honey.
			Ellingsoa's.
			Elliott Curtis & Sons.
			Charles L Emmons, Sr.
			Gause Honey.
			Gene Brandi Apiaries.
			Griffith Honey.
			Haff Apiaries.
			Hamilton Bee Farms.
			Hamilton Honey.
			Happie Bee.
			Harvest Honey.
			Harvey's Honey.
			Hiatt Honey.
			Hoffman Honey.
			Hollman Apiaries.
			Honey House.
			Honeybee Apiaries.
			Gary M Honl.
			Rand William Honl and Sydney Jo Honl.
			James R & Joann Smith Trust.
			Jaynes Bee Products.
			Johnston Honey Farms.
			Larry Johnston.
			Ke-An Honey.
			Kent Honeybees.
			Lake-Indianhead Honey Farms.
			Lamb's Honey Farm.
			Las Flores Apiaries.
			Mackrill Honey Farms & Sales.
			Raymond Marquette.
			Mason & Sons Honey.
			McCoy's Sunny South Apiaries.
			Merrimack Valley Apiaries & Evergreen Honey.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Met 2 Honey Farm. Missouri River Honey. Mitchell Brothers Honey. Monda Honey Farm. Montana Dakota Honey. Northern Bloom Honey. Noye's Apiaries. Oakes Honey. Oakley Honey Farms. Old Mill Apiaries. Opp Honey. Oro Dulce. Peterson's ''Naturally Sweet'' Honey. Potoczak Bee Farms. Price Apiaries. Pure Sweet Honey Farms. Robertson Pollination Service. Robson Honey. William Robson. Rosedale Apiaries. Ryan Apiaries. Schmidt Honey Farms. Simpson Apiaries. Sioux Honey Association. Smoot Honey. Solby Honey. Stahlman Apiaries. Steve E Parks Apiaries. Stroope Bee & Honey. T&D Honey Bee. Talbott's Honey. Terry Apiaries. Thompson Apiaries. Triple A Farm. Tropical Blossom Honey. Tubbs Apiaries. Venable Wholesale. Walter L Wilson Buzz 76 Apiaries. Wiebersiek Honey Farms. Wilmer Farms. Brent J Woodworth. Wooten's Golden Queens. Yaddof Apiaries.
A–357–814	731–TA–898	Hot-Rolled Steel Products/Argentina.	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A–401–040	AA1921–114	Stainless Steel Plate/Sweden	Jessop Steel.
A–401–601	731–TA–316	Brass Sheet and Strip/Sweden ...	Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. Olin. Revere Copper Products. United Steelworkers of America.
A–401–603	731–TA–354	Stainless Steel Hollow Products/Sweden.	AL Tech Specialty Steel. Allegheny Ludlum Steel. ARMCO. Carpenter Technology.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Crucible Materials. Damacus Tubular Products. Specialty Tubing Group.
A–401–801	731–TA–397–A ...	Ball Bearings/Sweden	Barden Corp. Emerson Power Transmission. Kubar Bearings. MPB. Rollway Bearings. Torrington.
A–401–801	731–TA–397–B ...	Cylindrical Roller Bearings/Sweden.	Barden Corp. Emerson Power Transmission. MPB. Rollway Bearings. Torrington.
A–401–805	731–TA–586	Cut-to-Length Carbon Steel Plate/Sweden.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
A–401–806	731–TA–774	Stainless Steel Wire Rod/Sweden.	AL Tech Specialty Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
A–401–808	731–TA–1087	Purified Carboxymethylcellulose/Sweden.	Aqualon Co a Division of Hercules Inc.
A–403–801	731–TA–454	Fresh and Chilled Atlantic Salmon/Norway.	Heritage Salmon. The Coalition for Fair Atlantic Salmon Trade.
A–405–802	731–TA–576	Cut-to-Length Carbon Steel Plate/Finland.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
A–405–803	731–TA–1084	Purified Carboxymethylcellulose/Finland.	Aqualon Co a Division of Hercules Inc.
A–412–801	731–TA–399–A ...	Ball Bearings/United Kingdom	Barden Corp. Emerson Power Transmission. Kubar Bearings. McGill Manufacturing Co. MPB. Rexnord Inc. Rollway Bearings. Torrington.
A–412–801	731–TA–399–B ...	Cylindrical Roller Bearings/United Kingdom.	Barden Corp. Emerson Power Transmission. MPB. Rollway Bearings. Torrington.
A–412–803	731–TA–443	Industrial Nitrocellulose/United Kingdom.	Hercules.
A–412–805	731–TA–468	Sodium Thiosulfate/United Kingdom.	Calabrian.
A–412–814	731–TA–587	Cut-to-Length Carbon Steel Plate/United Kingdom.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
A–412–818	731–TA–804	Stainless Steel Sheet and Strip/United Kingdom.	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless. United Steelworkers of America. Zanesville Armco Independent Organization.
A–412–822	731–TA–918	Stainless Steel Bar/United Kingdom.	Carpenter Technology. Crucible Specialty Metals. Electralloy. Empire Specialty Steel. Republic Technologies International. Slater Steels. United Steelworkers of America.
A–421–701	731–TA–380	Brass Sheet and Strip/Netherlands.	Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. North Coast Brass & Copper. Olin. Pegg Metals. Revere Copper Products. United Steelworkers of America.
A–421–804	731–TA–608	Cold-Rolled Carbon Steel Flat Products/Netherlands.	Armco Steel. Bethlehem Steel. California Steel Industries. Gulf States Steel. Inland Steel Industries. LTV Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
A–421–805	731–TA–652	Aramid Fiber/Netherlands	E I du Pont de Nemours.
A–421–807	731–TA–903	Hot-Rolled Steel Products/Netherlands.	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A–421–811	731–TA–1086	Purified Carboxymethylcellulose/Netherlands.	Aqualon Co a Division of Hercules Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–423–077	AA1921–198	Sugar/Belgium	Florida Sugar Marketing and Terminal Association.
A–423–602	731–TA–365	Industrial Phosphoric Acid/Belgium.	Albright & Wilson. FMC. Hydrite Chemical. Monsanto. Stauffer Chemical.
A–423–805	731–TA–573	Cut-to-Length Carbon Steel Plate/Belgium.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
A–423–808	731–TA–788	Stainless Steel Plate in Coils/Belgium.	Allegheny Ludlum. Armco Steel. Lukens Steel. North American Stainless. United Steelworkers of America.
A–427–001	731–TA–44	Sorbitol/France	Lonza. Pfizer.
A–427–009	731–TA–96	Industrial Nitrocellulose/France	Hercules.
A–427–078	AA1921–199	Sugar/France	Florida Sugar Marketing and Terminal Association.
A–427–098	731–TA–25	Anhydrous Sodium Metasilicate/France.	PQ.
A–427–602	731–TA–313	Brass Sheet and Strip/France	Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. Olin. Revere Copper Products. United Steelworkers of America.
A–427–801	731–TA–392–A	Ball Bearings/France	Barden Corp. Emerson Power Transmission. Kubar Bearings. McGill Manufacturing Co. MPB. Rexnord Inc. Rollway Bearings. Torrington.
A–427–801	731–TA–392–B	Cylindrical Roller Bearings/France.	Barden Corp. Emerson Power Transmission. MPB. Rollway Bearings. Torrington.
A–427–801	731–TA–392–C	Spherical Plain Bearings/France	Barden Corp. Emerson Power Transmission. Kubar Bearings. McGill Manufacturing Co. Rexnord Inc. Rollway Bearings. Torrington.
A–427–804	731–TA–553	Hot-Rolled Lead and Bismuth Carbon Steel Products/France.	Bethlehem Steel. Inland Steel Industries. USS/Kobe Steel.
A–427–808	731–TA–615	Corrosion-Resistant Carbon Steel Flat Products/France.	Armco Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
A–427–811	731–TA–637	Stainless Steel Wire Rod/France	AL Tech Specialty Steel. Armco Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
A–427–814	731–TA–797	Stainless Steel Sheet and Strip/France.	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. North American Stainless. United Steelworkers of America. Zanesville Armco Independent Organization.
A–427–816	731–TA–816	Cut-to-Length Carbon Steel Plate/France.	Bethlehem Steel. Geneva Steel. IPSCO Steel. National Steel. US Steel. United Steelworkers of America.
A–427–818	731–TA–909	Low Enriched Uranium/France	United States Enrichment Corp. USEC Inc.
A–427–820	731–TA–913	Stainless Steel Bar/France	Carpenter Technology. Crucible Specialty Metals. Electralloy. Empire Specialty Steel. Republic Technologies International. Slater Steels. United Steelworkers of America.
A–428–082	AA1921–200	Sugar/Germany	Florida Sugar Marketing and Terminal Association.
A–428–602	731–TA–317	Brass Sheet and Strip/Germany	Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. Olin. Revere Copper Products. United Steelworkers of America.
A–428–801	731–TA–391–A	Ball Bearings/Germany	Barden Corp. Emerson Power Transmission. Kubar Bearings. McGill Manufacturing Co. MPB. Rexnord Inc. Rollway Bearings. Torrington.
A–428–801	731–TA–391–B	Cylindrical Roller Bearings/Germany.	Barden Corp. Emerson Power Transmission. MPB. Rollway Bearings. Torrington.
A–428–801	731–TA–391–C	Spherical Plain Bearings/Germany.	Barden Corp. Emerson Power Transmission. Rollway Bearings. Torrington.
A–428–802	731–TA–419	Industrial Belts/Germany	The Gates Rubber Company. The Goodyear Tire and Rubber Company.
A–428–803	731–TA–444	Industrial Nitrocellulose/Germany	Hercules.
A–428–807	731–TA–465	Sodium Thiosulfate/Germany	Calabrian.
A–428–814	731–TA–604	Cold-Rolled Carbon Steel Flat Products/Germany.	Armco Steel. Bethlehem Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			California Steel Industries. Gulf States Steel. Inland Steel Industries. LTV Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
A–428–815	731–TA–616	Corrosion-Resistant Carbon Steel Flat Products/Germany.	Armco Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
A–428–816	731–TA–578	Cut-to-Length Carbon Steel Plate/Germany.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
A–428–820	731–TA–709	Seamless Pipe/Germany	Koppel Steel. Quanex. Timken. United States Steel.
A–428–821	731–TA–736	Large Newspaper Printing Presses/Germany.	Rockwell Graphics Systems.
A–428–825	731–TA–798	Stainless Steel Sheet and Strip/Germany.	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless. United Steelworkers of America. Zanesville Armco Independent Organization.
A–428–830	731–TA–914	Stainless Steel Bar/Germany	Carpenter Technology. Crucible Specialty Metals. Electralloy. Empire Specialty Steel. Republic Technologies International. Slater Steels. United Steelworkers of America.
A–437–601	731–TA–341	Tapered Roller Bearings/Hungary	L&S Bearing. Timken. Torrington.
A–437–804	731–TA–426	Sulfanilic Acid/Hungary	Nation Ford Chemical.
A–447–801	731–TA–340C	Solid Urea/Estonia	Agrico Chemical.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A–449–804	731–TA–878	Steel Concrete Reinforcing Bar/ Latvia.	AB Steel Mill Inc. AmeriSteel. Auburn Steel. Birmingham Steel. Border Steel. Cascade Steel Rolling Mills Inc. CMC Steel Group. Co-Steel Inc. Marion Steel. North Star Steel Co. Nucor Steel. Rebar Trade Action Coalition. Riverview Steel. Sheffield Steel. TAMCO. TXI-Chaparral Steel Co.
A–451–801	731–TA–340D	Solid Urea/Lithuania	Agrico Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A–455–802	731–TA–583	Cut-to-Length Carbon Steel Plate/Poland.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
A–455–803	731–TA–880	Steel Concrete Reinforcing Bar/ Poland.	AB Steel Mill Inc. AmeriSteel. Auburn Steel. Birmingham Steel. Border Steel. Cascade Steel Rolling Mills Inc. CMC Steel Group. Co-Steel Inc. Marion Steel. North Star Steel Co. Nucor Steel. Rebar Trade Action Coalition. Riverview Steel. Sheffield Steel. TAMCO. TXI-Chaparral Steel Co.
A–469–007	731–TA–126	Potassium Permanganate/Spain	Carus Chemical.
A–469–803	731–TA–585	Cut-to-Length Carbon Steel Plate/Spain.	Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–469–805	731–TA–682	Stainless Steel Bar/Spain	AL Tech Specialty Steel. Carpenter Technology. Crucible Specialty Metals. Electralloy. Republic Engineered Steels. Slater Steels. Talley Metals Technology. United Steelworkers of America.
A–469–807	731–TA–773	Stainless Steel Wire Rod/Spain	AL Tech Specialty Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
A–469–810	731–TA–890	Stainless Steel Angle/Spain	Slater Steels. United Steelworkers of America.
A–469–814	731–TA–1083	Chlorinated Isocyanurates/Spain	BioLab Inc. Clearon Corp. Occidental Chemical Corp.
A–471–806	731–TA–427	Sulfanilic Acid/Portugal	Nation Ford Chemical.
A–475–059	AA1921–167	Pressure-Sensitive Plastic Tape/Italy.	Minnesota Mining & Manufacturing.
A–475–601	731–TA–314	Brass Sheet and Strip/Italy	Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. Olin. Revere Copper Products. United Steelworkers of America.
A–475–703	731–TA–385	Granular Polytetrafluoroethylene/Italy.	E I du Pont de Nemours. ICI Americas.
A–475–801	731–TA–393–A	Ball Bearings/Italy	Barden Corp. Emerson Power Transmission. Kubar Bearings. McGill Manufacturing Co. MPB. Rexnord Inc. Rollway Bearings. Torrington.
A–475–801	731–TA–393–B	Cylindrical Roller Bearings/Italy	Barden Corp. Emerson Power Transmission. MPB. Rollway Bearings. Torrington.
A–475–802	731–TA–413	Industrial Belts/Italy	The Gates Rubber Company. The Goodyear Tire and Rubber Company.
A–475–811	731–TA–659	Grain-Oriented Silicon Electrical Steel/Italy.	Allegheny Ludlum. Armco Steel. Butler Armco Independent Union. United Steelworkers of America. Zanesville Armco Independent Union.
A–475–814	731–TA–710	Seamless Pipe/Italy	Koppel Steel. Quanex. Timken. United States Steel.
A–475–816	731–TA–713	Oil Country Tubular Goods/Italy	Bellville Tube. IPSCO. Koppel Steel. Lone Star Steel. Maverick Tube. Newport Steel. North Star Steel. US Steel. USS/Kobe.
A–475–818	731–TA–734	Pasta/Italy	A Zerega's Sons. American Italian Pasta. Borden. D Merlino & Sons. Dakota Growers Pasta. Foulds.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Gilster-Mary Lee. Gooch Foods. Hershey Foods. LaRinascente Macaroni Co. Pasta USA. Philadelphia Macaroni. ST Specialty Foods.
A–475–820	731–TA–770	Stainless Steel Wire Rod/Italy	AL Tech Specialty Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
A–475–822	731–TA–790	Stainless Steel Plate in Coils/Italy	Allegheny Ludlum. Armco Steel. J&L Specialty Steel. Lukens Steel. North American Stainless. United Steelworkers of America.
A–475–824	731–TA–799	Stainless Steel Sheet and Strip/Italy.	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless. United Steelworkers of America. Zanesville Armco Independent Organization.
A–475–826	731–TA–819	Cut-to-Length Carbon Steel Plate/Italy.	Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. National Steel. US Steel. United Steelworkers of America.
A–475–828	731–TA–865	Stainless Steel Butt-Weld Pipe Fittings/Italy.	Flo-Mac Inc. Gerlin. Markovitz Enterprises. Shaw Alloy Piping Products. Taylor Forge Stainless.
A–475–829	731–TA–915	Stainless Steel Bar/Italy	Carpenter Technology. Crucible Specialty Metals. Electralloy. Empire Specialty Steel. Republic Technologies International. Slater Steels. United Steelworkers of America.
A–479–801	731–TA–445	Industrial Nitrocellulose/Yugoslavia.	Hercules.
A–484–801	731–TA–406	Electrolytic Manganese Dioxide/Greece.	Chemetals. Kerr-McGee. Rayovac.
A–485–601	731–TA–339	Solid Urea/Romania	Agrico Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A–485–602	731–TA–345	Tapered Roller Bearings/Romania.	L&S Bearing. Timken. Torrington.
A–485–801	731–TA–395	Ball Bearings/Romania	Barden Corp. Emerson Power Transmission. Kubar Bearings. MPB. Rollway Bearings. Torrington.
A–485–803	731–TA–584	Cut-to-Length Carbon Steel Plate/Romania.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
A–485–805	731–TA–849	Small-Diameter Carbon Steel Seamless Pipe/Romania.	Koppel Steel. North Star Steel. Sharon Tube. Timken. US Steel. United Steelworkers of America. USS/Kobe. Vision Metals' Gulf States Tube.
A–485–806	731–TA–904	Hot-Rolled Steel Products/Romania.	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A–489–501	731–TA–273	Welded Carbon Steel Pipe and Tube/Turkey.	Allied Tube & Conduit. American Tube. Bernard Epps. Bock Industries. Bull Moose Tube. Central Steel Tube. Century Tube. Copperweld Tubing. Cyclops. Hughes Steel & Tube. Kaiser Steel. Laclede Steel. Maruichi American. Maverick Tube. Merchant Metals. Phoenix Steel. Pittsburgh Tube. Quanex. Sharon Tube. Southwestern Pipe. UNR-Leavitt. Welded Tube. Western Tube & Conduit. Wheatland Tube.
A–489–602	731–TA–364	Aspirin/Turkey	Dow Chemical. Monsanto. Norwich-Eaton.
A–489–805	731–TA–735	Pasta/Turkey	A Zerega's Sons. American Italian Pasta. Borden. D Merlino & Sons. Dakota Growers Pasta. Foulds. Gilster-Mary Lee. Gooch Foods. Hershey Foods. LaRinascente Macaroni Co. Pasta USA. Philadelphia Macaroni. ST Specialty Foods.
A–489–807	731–TA–745	Steel Concrete Reinforcing Bar/Turkey.	AmeriSteel. Auburn Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Birmingham Steel. Commercial Metals. Marion Steel. New Jersey Steel.
A–507–502	731–TA–287	Raw In-Shell Pistachios/Iran	Blackwell Land. California Pistachio Orchard. Keenan Farms. Kern Pistachio Hulling & Drying. Los Ranchos de Poco Pedro. Pistachio Producers of California. TM Duche Nut.
A–508–604	731–TA–366	Industrial Phosphoric Acid/Israel	Albright & Wilson. FMC. Hydrite Chemical. Monsanto. Stauffer Chemical.
A–533–502	731–TA–271	Welded Carbon Steel Pipe and Tube/India.	Allied Tube & Conduit. American Tube. Bernard Epps. Bock Industries. Bull Moose Tube. Central Steel Tube. Century Tube. Copperweld Tubing. Cyclops. Hughes Steel & Tube. Kaiser Steel. Laclede Steel. Maruichi American. Maverick Tube. Merchant Metals. Phoenix Steel. Pittsburgh Tube. Quanex. Sharon Tube. Southwestern Pipe. UNR-Leavitt. Welded Tube. Western Tube & Conduit. Wheatland Tube.
A–533–806	731–TA–561	Sulfanilic Acid/India	R–M Industries.
A–533–808	731–TA–638	Stainless Steel Wire Rod/India	AL Tech Specialty Steel. Armco Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
A–533–809	731–TA–639	Forged Stainless Steel Flanges/ India.	Gerlin. Ideal Forging. Maass Flange. Markovitz Enterprises.
A–533–810	731–TA–679	Stainless Steel Bar/India	AL Tech Specialty Steel. Carpenter Technology. Crucible Specialty Metals. Electralloy. Republic Engineered Steels. Slater Steels. Talley Metals Technology. United Steelworkers of America.
A–533–813	731–TA–778	Preserved Mushrooms/India	LK Bowman. Modern Mushroom Farms. Monterey Mushrooms. Mount Laurel Canning. Mushroom Canning. Southwood Farms. Sunny Dell Foods. United Canning.
A–533–817	731–TA–817	Cut-to-Length Carbon Steel Plate/India.	Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. National Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Tuscaloosa Steel.
			US Steel.
			United Steelworkers of America.
A–533–820	731–TA–900	Hot-Rolled Steel Products/India	Bethlehem Steel.
			Gallatin Steel.
			Independent Steelworkers.
			IPSCO.
			LTV Steel.
			National Steel.
			Nucor.
			Rouge Steel Co.
			Steel Dynamics.
			US Steel.
			United Steelworkers of America.
			WCI Steel Inc.
			Weirton Steel.
			Wheeling-Pittsburgh Steel Corp.
A–533–823	731–TA–929	Silicomanganese/India	Eramet Marietta.
			Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5–0639.
A–533–824	731–TA–933	Polyethylene Terephthalate Film, Sheet and Strip (PET Film)/India.	DuPont Teijin Films.
			Mitsubishi Polyester Film LLC.
			SKC America Inc.
			Toray Plastics (America).
A–533–828	731–TA–1025	Prestressed Concrete Steel Wire Strand/India.	American Spring Wire Corp.
			Insteel Wire Products Co.
			Sivaco Georgia LLC.
			Strand Tech Martin Inc.
			Sumiden Wire Products Corp.
A–533–838	731–TA–1061	Carbazole Violet Pigment 23/India.	Allegheny Color Corp.
			Barker Fine Color Inc.
			Clariant Corp.
			Nation Ford Chemical Co.
			Sun Chemical Co.
A–533–843	731–TA–1096	Certain Lined Paper School Supplies/India.	Fay Paper Products Inc.
			MeadWestvaco Consumer & Office Products.
			Norcom Inc.
			Pacon Corp.
			Roaring Spring Blank Book Co.
			Top Flight Inc.
			United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO–CLC (USW).
A–538–802	731–TA–514	Cotton Shop Towels/Bangladesh	Milliken.
A–549–502	731–TA–252	Welded Carbon Steel Pipe and Tube/Thailand.	Allied Tube & Conduit.
			American Tube.
			Bernard Epps.
			Bock Industries.
			Bull Moose Tube.
			Central Steel Tube.
			Century Tube.
			Copperweld Tubing.
			Cyclops.
			Hughes Steel & Tube.
			Kaiser Steel.
			Laclede Steel.
			Maruichi American.
			Maverick Tube.
			Merchant Metals.
			Phoenix Steel.
			Pittsburgh Tube.
			Quanex.
			Sharon Tube.
			Southwestern Pipe.
			UNR-Leavitt.
			Welded Tube.
			Western Tube & Conduit.
			Wheatland Tube.
A–549–601	731–TA–348	Malleable Cast Iron Pipe Fittings/Thailand.	Grinnell.
			Stanley G Flagg.
			Stockham Valves & Fittings.
			U-Brand.
			Ward Manufacturing.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–549–807	731–TA–521	Carbon Steel Butt-Weld Pipe Fittings/Thailand.	Hackney. Ladish. Mills Iron Works. Steel Forgings. Tube Forgings of America.
A–549–812	731–TA–705	Furfuryl Alcohol/Thailand	QO Chemicals.
A–549–813	731–TA–706	Canned Pineapple/Thailand	International Longshoreman's and Warehouseman's Union. Maui Pineapple.
A–549–817	731–TA–907	Hot-Rolled Steel Products/Thailand.	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A–549–820	731–TA–1028	Prestressed Concrete Steel Wire Strand/Thailand.	American Spring Wire Corp. Insteel Wire Products Co. Sivaco Georgia LLC. Strand Tech Martin Inc. Sumiden Wire Products Corp.
A–549–821	731–TA–1045	Polyethylene Retail Carrier Bags/Thailand.	Aargus Plastics Inc. Advance Polybags Inc. Advance Polybags (Nevada) Inc. Advance Polybags (Northeast) Inc. Alpha Industries Inc. Alpine Plastics Inc. Ampac Packaging LLC. API Enterprises Inc. Command Packaging. Continental Poly Bags Inc. Durabag Co Inc. Europackaging LLC. Genpak LLC (formerly Continental Superbag LLC). Genpak LLC (formerly Strout Plastics). Hilex Poly Co LLC. Inteplast Group Ltd. PCL Packaging Inc. Poly-Pak Industries Inc. Roplast Industries Inc. Superbag Corp. Unistar Plastics LLC. Vanguard Plastics Inc. VS Plastics LLC.
A–552–801	731–TA–1012	Certain Frozen Fish Fillets/Vietnam.	America's Catch Inc. Aquafarms Catfish Inc. Carolina Classics Catfish Inc. Catfish Farmers of America. Consolidated Catfish Companies Inc. Delta Pride Catfish Inc. Fish Processors Inc. Guidry's Catfish Inc. Haring's Pride Catfish. Harvest Select Catfish (Alabama Catfish Inc). Heartland Catfish Co (TT&W Farm Products Inc). Prairie Lands Seafood (Illinois Fish Farmers Cooperative). Pride of the Pond. Pride of the South Catfish Inc. Prime Line Inc. Seabrook Seafood Inc. Seacat (Arkansas Catfish Growers). Simmons Farm Raised Catfish Inc. Southern Pride Catfish LLC. Verret Fisheries Inc.
A–557–805	731–TA–527	Extruded Rubber Thread/Malaysia.	Globe Manufacturing. North American Rubber Thread.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–557–809	731–TA–866	Stainless Steel Butt-Weld Pipe Fittings/Malaysia.	Flo-Mac Inc. Gerlin. Markovitz Enterprises. Shaw Alloy Piping Products. Taylor Forge Stainless.
A–557–813	731–TA–1044	Polyethylene Retail Carrier Bags/ Malaysia.	Aargus Plastics Inc. Advance Polybags Inc. Advance Polybags (Nevada) Inc. Advance Polybags (Northeast) Inc. Alpha Industries Inc. Alpine Plastics Inc. Ampac Packaging LLC. API Enterprises Inc. Command Packaging. Continental Poly Bags Inc. Durabag Co Inc. Europackaging LLC. Genpak LLC (formerly Continental Superbag LLC). Genpak LLC (formerly Strout Plastics). Hilex Poly Co LLC. Inteplast Group Ltd. PCL Packaging Inc. Poly-Pak Industries Inc. Roplast Industries Inc. Superbag Corp. Unistar Plastics LLC. Vanguard Plastics Inc. VS Plastics LLC.
A–559–502	731–TA–296	Small Diameter Standard and Rectangular Pipe and Tube/ Singapore.	Allied Tube & Conduit. American Tube. Bull Moose Tube. Cyclops. Hannibal Industries. Laclede Steel. Pittsburgh Tube. Sharon Tube. Western Tube & Conduit. Wheatland Tube.
A–559–601	731–TA–370	Color Picture Tubes/Singapore ...	Industrial Union Department, AFL–CIO. International Association of Machinists & Aerospace Workers. International Brotherhood of Electrical Workers. International Union of Electronic, Electrical, Technical, Salaried and Machine Workers. Philips Electronic Components Group. United Steelworkers of America. Zenith Electronics.
A–559–801	731–TA–396	Ball Bearings/Singapore	Barden Corp. Emerson Power Transmission. Kubar Bearings. McGill Manufacturing Co. MPB. Rexnord Inc. Rollway Bearings. Torrington.
A–559–802	731–TA–415	Industrial Belts/Singapore	The Gates Rubber Company. The Goodyear Tire and Rubber Company.
A–560–801	731–TA–742	Melamine Institutional Dinnerware/Indonesia.	Carlisle Food Service Products. Lexington United. Plastics Manufacturing.
A–560–802	731–TA–779	Preserved Mushrooms/Indonesia	LK Bowman. Modern Mushroom Farms. Monterey Mushrooms. Mount Laurel Canning. Mushroom Canning. Southwood Farms. Sunny Dell Foods. United Canning.
A–560–803	731–TA–787	Extruded Rubber Thread/Indonesia.	North American Rubber Thread.
A–560–805	731–TA–818	Cut-to-Length Carbon Steel Plate/Indonesia.	Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			IPSCO Steel. National Steel. Tuscaloosa Steel. US Steel. United Steelworkers of America.
A–560–811	731–TA–875	Steel Concrete Reinforcing Bar/Indonesia.	AB Steel Mill Inc. AmeriSteel. Birmingham Steel. Border Steel. Cascade Steel Rolling Mills Inc. CMC Steel Group. Co-Steel Inc. Marion Steel. North Star Steel Co. Nucor Steel. Rebar Trade Action Coalition. Riverview Steel. Sheffield Steel. TAMCO. TXI-Chaparral Steel Co.
A–560–812	731–TA–901	Hot-Rolled Steel Products/Indonesia.	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A–560–815	731–TA–957	Carbon and Certain Alloy Steel Wire Rod/Indonesia.	AmeriSteel. Birmingham Steel. Cascade Steel Rolling Mills. Connecticut Steel Corp. Co-Steel Raritan. GS Industries. Keystone Consolidated Industries. North Star Steel Texas. Nucor Steel-Nebraska (a division of Nucor Corp). Republic Technologies International. Rocky Mountain Steel Mills.
A–560–818	731–TA–1097	Certain Lined Paper School Supplies/Indonesia.	Fay Paper Products Inc. MeadWestvaco Consumer & Office Products. Norcom Inc. Pacon Corp. Roaring Spring Blank Book Co. Top Flight Inc. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO–CLC (USW).
A–565–801	731–TA–867	Stainless Steel Butt-Weld Pipe Fittings/Philippines.	Flo-Mac Inc. Gerlin. Markovitz Enterprises. Shaw Alloy Piping Products. Taylor Forge Stainless.
A–570–001	731–TA–125	Potassium Permanganate/China	Carus Chemical.
A–570–002	731–TA–130	Chloropicrin/China	LCP Chemicals & Plastics. Niklor Chemical.
A–570–003	731–TA–103	Cotton Shop Towels/China	Milliken. Texel Industries. Wikit.
A–570–007	731–TA–149	Barium Chloride/China	Chemical Products.
A–570–101	731–TA–101	Greige Polyester Cotton Printcloth/China.	Alice Manufacturing. Clinton Mills. Dan River. Greenwood Mills. Hamrick Mills. M Lowenstein. Mayfair Mills.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Mount Vernon Mills.
A–570–501	731–TA–244	Natural Bristle Paint Brushes/China.	Baltimore Brush. Bestt Liebco. Elder & Jenks. EZ Paintr. H&G Industries. Joseph Lieberman & Sons. Purdy. Rubberset. Thomas Paint Applicators. Wooster Brush.
A–570–502	731–TA–265	Iron Construction Castings/China	Alhambra Foundry. Allegheny Foundry. Bingham & Taylor. Campbell Foundry. Charlotte Pipe & Foundry. Deeter Foundry. East Jordan Foundry. Le Baron Foundry. Municipal Castings. Neenah Foundry. Opelika Foundry. Pinkerton Foundry. Tyler Pipe. US Foundry & Manufacturing. Vulcan Foundry.
A–570–504	731–TA–282	Petroleum Wax Candles/China	The AI Root Company. Candle Artisans Inc. Candle-Lite. Cathedral Candle. Colonial Candle of Cape Cod. General Wax & Candle. Lenox Candles. Lumi-Lite Candle. Meuch-Kreuzer Candle. National Candle Association. Will & Baumer. WNS.
A–570–506	731–TA–298	Porcelain-on-Steel Cooking Ware/China.	General Housewares.
A–570–601	731–TA–344	Tapered Roller Bearings/China	L&S Bearing. Timken. Torrington.
A–570–802	731–TA–441	Industrial Nitrocellulose/China	Hercules.
A–570–803	731–TA–457–A	Axes and Adzes/China	Council Tool Co Inc. Warwood Tool. Woodings-Verona.
A–570–803	731–TA–457–B	Bars and Wedges/China	Council Tool Co Inc. Warwood Tool. Woodings-Verona.
A–570–803	731–TA–457–C	Hammers and Sledges/China	Council Tool Co Inc. Warwood Tool. Woodings-Verona.
A–570–803	731–TA–457–D	Picks and Mattocks/China	Council Tool Co Inc. Warwood Tool. Woodings-Verona.
A–570–804	731–TA–464	Sparklers/China	BJ Alan. Diamond Sparkler. Elkton Sparkler.
A–570–805	731–TA–466	Sodium Thiosulfate/China	Calabrian.
A–570–806	731–TA–472	Silicon Metal/China	American Alloys. Elkem Metals. Globe Metallurgical. International Union of Electronics, Electrical, Machine and Furniture Workers (Local 693). Oil, Chemical and Atomic Workers (Local 389). Silicon Metaltech. SiMETCO. SKW Alloys. Textile Processors, Service Trades, Health Care. Professional and Technical Employees (Local 60). United Steelworkers of America (Locals 5171, 8538 and 12646).
A–570–808	731–TA–474	Chrome-Plated Lug Nuts/China	Consolidated International Automotive.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Key Manufacturing.
			McGard.
A–570–811	731–TA–497	Tungsten Ore Concentrates/China.	Curtis Tungsten.
			US Tungsten.
A–570–814	731–TA–520	Carbon Steel Butt-Weld Pipe Fittings/China.	Hackney.
			Ladish.
			Mills Iron Works.
			Steel Forgings.
			Tube Forgings of America.
A–570–815	731–TA–538	Sulfanilic Acid/China	R–M Industries.
A–570–819	731–TA–567	Ferrosilicon/China	AIMCOR.
			Alabama Silicon.
			American Alloys.
			Globe Metallurgical.
			Oil, Chemical and Atomic Workers (Local 389).
			Silicon Metaltech.
			United Autoworkers of America (Local 523).
			United Steelworkers of America (Locals 2528, 3081, 5171 and 12646).
A–570–822	731–TA–624	Helical Spring Lock Washers/China.	Illinois Tool Works.
A–570–825	731–TA–653	Sebacic Acid/China	Union Camp.
A–570–826	731–TA–663	Paper Clips/China	ACCO USA.
			Labelon/Noesting.
			TRICO Manufacturing.
A–570–827	731–TA–669	Cased Pencils/China	Blackfeet Indian Writing Instrument.
			Dixon-Ticonderoga.
			Empire Berol.
			Faber-Castell.
			General Pencil.
			JR Moon Pencil.
			Musgrave Pen & Pencil.
			Panda.
			Writing Instrument Manufacturers Association, Pencil Section.
A–570–828	731–TA–672	Silicomanganese/China	Elkem Metals.
			Oil, Chemical and Atomic Workers (Local 3–639).
A–570–830	731–TA–677	Coumarin/China	Rhone-Poulenc.
A–570–831	731–TA–683	Fresh Garlic/China	A&D Christopher Ranch.
			Belridge Packing.
			Colusa Produce.
			Denice & Filice Packing.
			El Camino Packing.
			The Garlic Company.
			Vessey and Company.
A–570–832	731–TA–696	Pure Magnesium/China	Dow Chemical.
			International Union of Operating Engineers (Local 564).
			Magnesium Corporation of America.
			United Steelworkers of America (Local 8319).
A–570–835	731–TA–703	Furfuryl Alcohol/China	QO Chemicals.
A–570–836	731–TA–718	Glycine/China	Chattem.
			Hampshire Chemical.
A–570–840	731–TA–724	Manganese Metal/China	Elkem Metals.
			Kerr-McGee.
A–570–842	731–TA–726	Polyvinyl Alcohol/China	Air Products and Chemicals.
A–570–844	731–TA–741	Melamine Institutional Dinnerware/China.	Carlisle Food Service Products.
			Lexington United.
			Plastics Manufacturing.
A–570–846	731–TA–744	Brake Rotors/China	Brake Parts.
			Coalition for the Preservation of American Brake Drum and Rotor Aftermarket Manufacturers.
			Iroquois Tool Systems.
			Kelsey Hayes.
			Kinetic Parts Manufacturing.
			Overseas Auto Parts.
			Wagner Brake.
A–570–847	731–TA–749	Persulfates/China	FMC.
A–570–848	731–TA–752	Crawfish Tail Meat/China	A&S Crawfish.
			Acadiana Fisherman's Co-Op.
			Arnaudville Seafood.
			Atchafalaya Crawfish Processors.
			Basin Crawfish Processors.
			Bayou Land Seafood.
			Becnel's Meat & Seafood.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Bellard's Poultry & Crawfish.
			Bonanza Crawfish Farm.
			Cajun Seafood Distributors.
			Carl's Seafood.
			Catahoula Crawfish.
			Choplin SFD.
			CJ's Seafood & Purged Crawfish.
			Clearwater Crawfish.
			Crawfish Processors Alliance.
			Harvey's Seafood.
			Lawtell Crawfish Processors.
			Louisiana Premium Seafoods.
			Louisiana Seafood.
			LT West.
			Phillips Seafood.
			Prairie Cajun Wholesale Seafood Dist.
			Riceland Crawfish.
			Schexnider Crawfish.
			Seafood International Distributors.
			Sylvester's Processors.
			Teche Valley Seafood.
A–570–849	731–TA–753	Cut-to-Length Carbon Steel Plate/China.	Acme Metals Inc.
			Bethlehem Steel.
			CitiSteel USA Inc.
			Geneva Steel.
			Gulf States Steel.
			Lukens Inc.
			National Steel.
			US Steel.
			United Steelworkers of America.
A–570–850	731–TA–757	Collated Roofing Nails/China	Illinois Tool Works.
			International Staple and Machines.
			Stanley-Bostitch.
A–570–851	731–TA–777	Preserved Mushrooms/China	LK Bowman.
			Modern Mushroom Farms.
			Monterey Mushrooms.
			Mount Laurel Canning.
			Mushroom Canning.
			Southwood Farms.
			Sunny Dell Foods.
			United Canning.
A–570–852	731–TA–814	Creatine Monohydrate/China	Pfanstiehl Laboratories.
A–570–853	731–TA–828	Aspirin/China	Rhodia.
A–570–855	731–TA–841	Non-Frozen Apple Juice Concentrate/China.	Coloma Frozen Foods.
			Green Valley Apples of California.
			Knouse Foods Coop.
			Mason County Fruit Packers Coop.
			Tree Top.
A–570–856	731–TA–851	Synthetic Indigo/China	Buffalo Color.
			United Steelworkers of America.
A–570–860	731–TA–874	Steel Concrete Reinforcing Bar/China.	AB Steel Mill Inc.
			AmeriSteel.
			Auburn Steel.
			Birmingham Steel.
			Border Steel.
			Cascade Steel Rolling Mills Inc.
			CMC Steel Group.
			Co-Steel Inc.
			Marion Steel.
			North Star Steel Co.
			Nucor Steel.
			Rebar Trade Action Coalition.
			Riverview Steel.
			Sheffield Steel.
			TAMCO.
			TXI-Chaparral Steel Co.
A–570–862	731–TA–891	Foundry Coke/China	ABC Coke.
			Citizens Gas and Coke Utility.
			Erie Coke.
			Sloss Industries Corp.
			Tonawanda Coke.
			United Steelworkers of America.
A–570–863	731–TA–893	Honey/China	AH Meyer & Sons.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Adee Honey Farms. Althoff Apiaries. American Beekeeping Federation. American Honey Producers Association. Anderson Apiaries. Arroyo Apiaries. Artesian Honey Producers. B Weaver Apiaries. Bailey Enterprises. Barkman Honey. Basler Honey Apiary. Beals Honey. Bears Paw Apiaries. Beaverhead Honey. Bee Biz. Bee Haven Honey. Belliston Brothers Apiaries. Big Sky Honey. Bill Rhodes Honey. Richard E Blake. Curt Bronnenberg. Brown's Honey Farms. Brumley's Bees. Buhmann Apiaries. Carys Honey Farms. Chaparrel Honey. Charles Apiaries. Mitchell Charles. Collins Honey. Conor Apiaries. Coy's Honey Farm. Dave Nelson Apiaries. Delta Bee. Eisele's Pollination & Honey. Ellingsoa's. Elliott Curtis & Sons. Charles L Emmons, Sr. Gause Honey. Gene Brandi Apiaries. Griffith Honey. Haff Apiaries. Hamilton Bee Farms. Hamilton Honey. Happie Bee. Harvest Honey. Harvey's Honey. Hiatt Honey. Hoffman Honey. Hollman Apiaries. Honey House. Honeybee Apiaries. Gary M Honl. Rand William Honl and Sydney Jo Honl. James R & Joann Smith Trust. Jaynes Bee Products. Johnston Honey Farms. Larry Johnston. Ke-An Honey. Kent Honeybees. Lake-Indianhead Honey Farms. Lamb's Honey Farm. Las Flores Apiaries. Mackrill Honey Farms & Sales. Raymond Marquette. Mason & Sons Honey. McCoy's Sunny South Apiaries. Merrimack Valley Apiaries & Evergreen Honey. Met 2 Honey Farm. Missouri River Honey. Mitchell Brothers Honey. Monda Honey Farm. Montana Dakota Honey. Northern Bloom Honey.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Noye's Apiaries. Oakes Honey. Oakley Honey Farms. Old Mill Apiaries. Opp Honey. Oro Dulce. Peterson's "Naturally Sweet" Honey. Potoczak Bee Farms. Price Apiaries. Pure Sweet Honey Farms. Robertson Pollination Service. Robson Honey. William Robson. Rosedale Apiaries. Ryan Apiaries. Schmidt Honey Farms. Simpson Apiaries. Sioux Honey Association. Smoot Honey. Solby Honey. Stahlman Apiaries. Steve E Parks Apiaries. Stroope Bee & Honey. T&D Honey Bee. Talbott's Honey. Terry Apiaries. Thompson Apiaries. Triple A Farm. Tropical Blossom Honey. Tubbs Apiaries. Venable Wholesale. Walter L Wilson Buzz 76 Apiaries. Wiebersiek Honey Farms. Wilmer Farms. Brent J Woodworth. Wooten's Golden Queens. Yaddof Apiaries.
A–570–864	731–TA–895	Pure Magnesium (Granular)/ China.	Concerned Employees of Northwest Alloys. Magnesium Corporation of America. United Steelworkers of America. United Steelworkers of America (Local 8319).
A–570–865	731–TA–899	Hot-Rolled Steel Products/China	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A–570–866	731–TA–921	Folding Gift Boxes/China	Field Container. Harvard Folding Box. Sterling Packaging. Superior Packaging.
A–570–867	731–TA–922	Automotive Replacement Glass Windshields/China.	PPG Industries. Safelite Glass. Viracon/Curvlite Inc. Visteon Corporation.
A–570–868	731–TA–932	Folding Metal Tables and Chairs/ China.	Krueger International. McCourt Manufacturing. Meco. Virco Manufacturing.
A–570–873	731–TA–986	Ferrovanadium/China	Bear Metallurgical Co. Shieldalloy Metallurgical Corp.
A–570–875	731–TA–990	Non-Malleable Cast Iron Pipe Fittings/China.	Anvil International Inc. Buck Co Inc. Frazier & Frazier Industries. Ward Manufacturing Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–570–877	731–TA–1010	Lawn and Garden Steel Fence Posts/China.	Steel City Corp.
A–570–878	731–TA–1013	Saccharin/China	PMC Specialties Group Inc.
A–570–879	731–TA–1014	Polyvinyl Alcohol/China	Celanese Ltd. E I du Pont de Nemours & Co.
A–570–880	731–TA–1020	Barium Carbonate/China	Chemical Products Corp.
A–570–881	731–TA–1021	Malleable Iron Pipe Fittings/ China.	Anvil International Inc. Buck Co Inc. Ward Manufacturing Inc.
A–570–882	731–TA–1022	Refined Brown Aluminum Oxide/ China.	C–E Minerals. Treibacher Schleifmittel North America Inc. Washington Mills Co Inc.
A–570–884	731–TA–1034	Certain Color Television Receivers/China.	Five Rivers Electronic Innovations LLC. Industrial Division of the Communications Workers of America (IUECWA). International Brotherhood of Electrical Workers (IBEW).
A–570–886	731–TA–1043	Polyethylene Retail Carrier Bags/ China.	Aargus Plastics Inc. Advance Polybags Inc. Advance Polybags (Nevada) Inc. Advance Polybags (Northeast) Inc. Alpha Industries Inc. Alpine Plastics Inc. Ampac Packaging LLC. API Enterprises Inc. Command Packaging. Continental Poly Bags Inc. Durabag Co Inc. Europackaging LLC. Genpak LLC (formerly Continental Superbag LLC). Genpak LLC (formerly Strout Plastics). Hilex Poly Co LLC. Inteplast Group Ltd. PCL Packaging Inc. Poly-Pak Industries Inc. Roplast Industries Inc. Superbag Corp. Unistar Plastics LLC. Vanguard Plastics Inc. VS Plastics LLC.
A–570–887	731–TA–1046	Tetrahydrofurfuryl Alcohol/China	Penn Specialty Chemicals Inc.
A–570–888	731–TA–1047	Ironing Tables and Certain Parts Thereof/China.	Home Products International Inc.
A–570–890	731–TA–1058	Wooden Bedroom Furniture/ China.	American Drew. American of Martinsville. Bassett Furniture Industries Inc. Bebe Furniture. Carolina Furniture Works Inc. Carpenters Industrial Union Local 2093. Century Furniture Industries. Country Craft Furniture Inc. Craftique. Crawford Furniture Mfg Corp. EJ Victor Inc. Forest Designs. Harden Furniture Inc. Hart Furniture. Higdon Furniture Co. IUE Industrial Division of CWA Local 82472. Johnston Tombigbee Furniture Mfg Co. Kincaid Furniture Co Inc. L & J G Stickley Inc. Lea Industries. Michels & Co. MJ Wood Products Inc. Mobel Inc. Modern Furniture Manufacturers Inc. Moosehead Mfg Co. Oakwood Interiors. O'Sullivan Industries Inc. Pennsylvania House Inc. Perdues Inc. Sandberg Furniture Mfg Co Inc. Stanley Furniture Co Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Statton Furniture Mfg Assoc. T Copeland & Sons. Teamsters, Chauffeurs, Warehousemen and Helpers Local 991. Tom Seely Furniture. UBC Southern Council of Industrial Workers Local Union 2305. United Steelworkers of America Local 193U. Vaughan Furniture Co Inc. Vaughan-Bassett Furniture Co Inc. Vermont Tubbs. Webb Furniture Enterprises Inc.
A–570–891	731–TA–1059	Hand Trucks and Certain Parts Thereof/China.	B&P Manufacturing. Gleason Industrial Products Inc. Harper Trucks Inc. Magline Inc. Precision Products Inc. Wesco Industrial Products Inc.
A–570–892	731–TA–1060	Carbazole Violet Pigment 23/ China.	Allegheny Color Corp. Barker Fine Color Inc. Clariant Corp. Nation Ford Chemical Co. Sun Chemical Co.
A–570–894	731–TA–1070	Certain Tissue Paper Products/ China.	American Crepe Corp. Cindus Corp. Eagle Tissue LLC. Flower City Tissue Mills Co and Subsidiary. Garlock Printing & Converting Corp. Green Mtn Specialties Inc. Hallmark Cards Inc. Pacon Corp. Paper, Allied-Industrial, Chemical and Energy Workers International Union AFL–CIO (''PACE''). Paper Service LTD. Putney Paper. Seaman Paper Co of MA Inc.
A–570–895	731–TA–1069	Certain Crepe Paper Products/ China.	American Crepe Corp. Cindus Corp. Paper, Allied-Industrial, Chemical and Energy Workers International Union AFL–CIO (''PACE''). Seaman Paper Co of MA Inc.
A–570–896	731–TA–1071	Alloy Magnesium/China	Garfield Alloys Inc. Glass, Molders, Pottery, Plastics & Allied Workers International Local 374. Halaco Engineering. MagReTech Inc. United Steelworkers of America Local 8319. US Magnesium LLC.
A–570–899	731–TA–1091	Artists' Canvas/China	Duro Art Industries. ICG/Holliston Mills Inc. Signature World Class Canvas LLC. Tara Materials Inc.
A–570–898	731–TA–1082	Chlorinated Isocyanurates/China	BioLab Inc. Clearon Corp. Occidental Chemical Corp.
A–570–901	731–TA–1095	Certain Lined Paper School Supplies/China.	Fay Paper Products Inc. MeadWestvaco Consumer & Office Products. Norcom Inc. Pacon Corp. Roaring Spring Blank Book Co. Top Flight Inc. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO–CLC (USW).
A–570–904	731–TA–1103	Certain Activated Carbon/China	Calgon Carbon Corp. Norit Americas Inc.
A–570–905	731–TA–1104	Certain Polyester Staple Fiber/ China.	DAK Americas LLC. Formed Fiber Techmologies LLC. Nan Ya Plastics Corp America. Palmetto Synthetics LLC. United Synthetics Inc (USI). Wellman Inc.
A–570–908	731–TA–1110	Soium Hexametaphosphate (SHMP)/China.	ICL Performance Products LP. Innophos Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–580–008	731–TA–134	Color Television Receivers/Korea	Committee to Preserve American Color Television. Independent Radionic Workers of America. Industrial Union Department, AFL–CIO. International Brotherhood of Electrical Workers. International Union of Electrical, Radio and Machine Workers.
A–580–507	731–TA–279	Malleable Cast Iron Pipe Fittings/Korea.	Grinnell. Stanley G Flagg. Stockham Valves & Fittings. U-Brand. Ward Manufacturing.
A–580–601	731–TA–304	Top-of-the-Stove Stainless Steel Cooking Ware/Korea.	Farberware. Regal Ware. Revere Copper & Brass. WearEver/Proctor Silex.
A–580–603	731–TA–315	Brass Sheet and Strip/Korea	Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. Olin. Revere Copper Products. United Steelworkers of America.
A–580–605	731–TA–369	Color Picture Tubes/Korea	Industrial Union Department, AFL–CIO. International Association of Machinists & Aerospace Workers. International Brotherhood of Electrical Workers. International Union of Electronic, Electrical, Technical, Salaried and Machine Workers. Philips Electronic Components Group. United Steelworkers of America. Zenith Electronics.
A–580–803	731–TA–427	Small Business Telephone Systems/Korea.	American Telephone & Telegraph. Comdial. Eagle Telephonic.
A–580–805	731–TA–442	Industrial Nitrocellulose/Korea	Hercules.
A–580–807	731–TA–459	Polyethylene Terephthalate Film/Korea.	E I du Pont de Nemours. Hoechst Celanese. ICI Americas.
A–580–809	731–TA–533	Circular Welded Nonalloy Steel Pipe/Korea.	Allied Tube & Conduit. American Tube. Bull Moose Tube. Century Tube. CSI Tubular Products. Cyclops. Laclede Steel. LTV Tubular Products. Maruichi American. Sharon Tube. USX. Western Tube & Conduit. Wheatland Tube.
A–580–810	731–TA–540	Welded ASTM A–312 Stainless Steel Pipe/Korea.	Avesta Sandvik Tube. Bristol Metals. Crucible Materials. Damascus Tubular Products. United Steelworkers of America.
A–580–811	731–TA–546	Carbon Steel Wire Rope/Korea	Bridon American. Macwhyte. Paulsen Wire Rope. The Rochester Corporation. United Automobile, Aerospace and Agricultural Implement Workers (Local 960). Williamsport. Wire-rope Works. Wire Rope Corporation of America.
A–580–812	731–TA–556	DRAMs of 1 Megabit and Above/Korea.	Micron Technology. NEC Electronics. Texas Instruments.
A–580–813	731–TA–563	Stainless Steel Butt-Weld Pipe Fittings/Korea.	Flo-Mac Inc. Gerlin. Markovitz Enterprises.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Shaw Alloy Piping Products. Taylor Forge Stainless.
A–580–815	731–TA–607	Cold-Rolled Carbon Steel Flat Products/Korea.	Armco Steel. Bethlehem Steel. California Steel Industries. Gulf States Steel. Inland Steel Industries. LTV Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
A–580–816	731–TA–618	Corrosion-Resistant Carbon Steel Flat Products/Korea.	Armco Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
A–580–825	731–TA–715	Oil Country Tubular Goods/Korea	Bellville Tube. IPSCO. Koppel Steel. Lone Star Steel. Maverick Tube. Newport Steel. North Star Steel. US Steel. USS/Kobe.
A–580–829	731–TA–772	Stainless Steel Wire Rod/Korea ..	AL Tech Specialty Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
A–580–831	731–TA–791	Stainless Steel Plate in Coils/ Korea.	Allegheny Ludlum. Armco Steel. J&L Specialty Steel. Lukens Steel. North American Stainless. United Steelworkers of America.
A–580–834	731–TA–801	Stainless Steel Sheet and Strip/ Korea.	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless. United Steelworkers of America. Zanesville Armco Independent Organization.
A–580–836	731–TA–821	Cut-to-Length Carbon Steel Plate/Korea.	Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. National Steel. Tuscaloosa Steel. US Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			United Steelworkers of America.
A–580–839	731–TA–825	Polyester Staple Fiber/Korea	Arteva Specialties Sarl. E I du Pont de Nemours. Intercontinental Polymers. Nan Ya Corporation America. Wellman.
A–580–841	731–TA–854	Structural Steel Beams/Korea	Northwestern Steel and Wire. Nucor. Nucor-Yamato Steel. TXI-Chaparral Steel. United Steelworkers of America.
A–580–844	731–TA–877	Steel Concrete Reinforcing Bar/Korea.	AB Steel Mill Inc. AmeriSteel. Auburn Steel. Birmingham Steel. Border Steel. Cascade Steel Rolling Mills Inc. CMC Steel Group. Co-Steel Inc. Marion Steel. North Star Steel Co. Nucor Steel. Rebar Trade Action Coalition. Riverview Steel. Sheffield Steel. TAMCO. TXI-Chaparral Steel Co.
A–580–846	731–TA–889	Stainless Steel Angle/Korea	Slater Steels. United Steelworkers of America.
A–580–847	731–TA–916	Stainless Steel Bar/Korea	Carpenter Technology. Crucible Specialty Metals. Electralloy. Empire Specialty Steel. Republic Technologies International. Slater Steels. United Steelworkers of America.
A–580–850	731–TA–1017	Polyvinyl Alcohol/Korea	Celanese Ltd. E I du Pont de Nemours & Co.
A–580–852	731–TA–1026	Prestressed Concrete Steel Wire Strand/Korea.	American Spring Wire Corp. Insteel Wire Products Co. Sivaco Georgia LLC. Strand Tech Martin Inc. Sumiden Wire Products Corp.
A–583–008	731–TA–132	Small Diameter Carbon Steel Pipe and Tube/Tawian.	Allied Tube & Conduit. American Tube. Bull Moose Tube. Copperweld Tubing. J&L Steel. Kaiser Steel. Merchant Metals. Pittsburgh Tube. Southwestern Pipe. Western Tube & Conduit.
A–583–009	731–TA–135	Color Television Receivers/Taiwan.	Committee to Preserve American Color Television. Independent Radionic Workers of America. Industrial Union Department, AFL–CIO. International Brotherhood of Electrical Workers. International Union of Electrical, Radio and Machine Workers.
A–583–080	AA1921–197	Carbon Steel Plate/Taiwan	No Petition (self-initiated by Treasury); Commerce service list identifies: Bethlehem Steel. China Steel. US Steel.
A–583–505	731–TA–277	Oil Country Tubular Goods/Taiwan.	CF&I Steel. Copperweld Tubing. Cyclops. KPC. Lone Star Steel. LTV Steel. Maverick Tube. Quanex. US Steel.
A–583–507	731–TA–280	Malleable Cast Iron Pipe Fittings/Taiwan.	Grinnell. Stanley G Flagg.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Stockham Valves & Fittings.
			U-Brand.
			Ward Manufacturing.
A–583–508	731–TA–299	Porcelain-on-Steel Cooking Ware/Taiwan.	General Housewares.
A–583–603	731–TA–305	Top-of-the-Stove Stainless Steel Cooking Ware/Taiwan.	Farberware.
			Regal Ware.
			Revere Copper & Brass.
			WearEver/Proctor Silex.
A–583–605	731–TA–310	Carbon Steel Butt-Weld Pipe Fittings/Taiwan.	Ladish.
			Mills Iron Works.
			Steel Forgings.
			Tube Forgings of America.
			Weldbend.
A–583–803	731–TA–410	Light-Walled Rectangular Tube/Taiwan.	Bull Moose Tube.
			Hannibal Industries.
			Harris Tube.
			Maruichi American.
			Searing Industries.
			Southwestern Pipe.
			Western Tube & Conduit.
A–583–806	731–TA–428	Small Business Telephone Systems/Taiwan.	American Telephone & Telegraph.
			Comdial.
			Eagle Telephonic.
A–583–810	731–TA–475	Chrome-Plated Lug Nuts/Taiwan	Consolidated International Automotive.
			Key Manufacturing.
			McGard.
A–583–814	731–TA–536	Circular Welded Nonalloy Steel Pipe/Taiwan.	Allied Tube & Conduit.
			American Tube.
			Bull Moose Tube.
			Century Tube.
			CSI Tubular Products.
			Cyclops.
			Laclede Steel.
			LTV Tubular Products.
			Maruichi American.
			Sharon Tube.
			USX.
			Western Tube & Conduit.
			Wheatland Tube.
A–583–815	731–TA–541	Welded ASTM A–312 Stainless Steel Pipe/Taiwan.	Avesta Sandvik Tube.
			Bristol Metals.
			Crucible Materials.
			Damascus Tubular Products.
			United Steelworkers of America.
A–583–816	731–TA–564	Stainless Steel Butt-Weld Pipe Fittings/Taiwan.	Flo-Mac Inc.
			Gerlin.
			Markovitz Enterprises.
			Shaw Alloy Piping Products.
			Taylor Forge Stainless.
A–583–820	731–TA–625	Helical Spring Lock Washers/Taiwan.	Illinois Tool Works.
A–583–821	731–TA–640	Forged Stainless Steel Flanges/Taiwan.	Gerlin.
			Ideal Forging.
			Maass Flange.
			Markovitz Enterprises.
A–583–824	731–TA–729	Polyvinyl Alcohol/Taiwan	Air Products and Chemicals.
A–583–825	731–TA–743	Melamine Institutional Dinnerware/Taiwan.	Carlisle Food Service Products.
			Lexington United.
			Plastics Manufacturing.
A–583–826	731–TA–759	Collated Roofing Nails/Taiwan	Illinois Tool Works.
			International Staple and Machines.
			Stanley-Bostitch.
A–583–827	731–TA–762	SRAMs/Taiwan	Micron Technology.
A–583–828	731–TA–775	Stainless Steel Wire Rod/Taiwan	AL Tech Specialty Steel.
			Carpenter Technology.
			Republic Engineered Steels.
			Talley Metals Technology.
			United Steelworkers of America.
A–583–830	731–TA–793	Stainless Steel Plate in Coils/Taiwan.	Allegheny Ludlum.
			Armco Steel.
			J&L Specialty Steel.
			Lukens Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			North American Stainless. United Steelworkers of America.
A–583–831	731–TA–803	Stainless Steel Sheet and Strip/Taiwan.	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless. United Steelworkers of America. Zanesville Armco Independent Organization.
A–583–833	731–TA–826	Polyester Staple Fiber/Taiwan	Arteva Specialties Sarl. Intercontinental Polymers. Nan Ya Plastics Corporation America. Wellman.
A–583–835	731–TA–906	Hot-Rolled Steel Products/Taiwan.	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A–583–837	731–TA–934	Polyethylene Terephthalate Film, Sheet and Strip (PET Film)/Taiwan.	DuPont Teijin Films. Mitsubishi Polyester Film LLC. SKC America Inc. Toray Plastics (America).
A–588–005	731–TA–48	High Power Microwave Amplifiers/Japan.	Aydin. MCL.
A–588–015	AA1921–66	Television Receivers/Japan	AGIV (USA). Casio Computer. CBM America. Citizen Watch. Funai Electric. Hitachi. Industrial Union Department. JC Penny. Matsushita. Mitsubishi Electric. Montgomery Ward. NEC. Orion Electric. PT Imports. Philips Electronics. Philips Magnavox. Sanyo. Sharp. Toshiba. Toshiba America Consumer Products. Victor Company of Japan. Zenith Electronics.
A–588–028	AA1921–111	Roller Chain/Japan	Acme Chain Division, North American Rockwell. American Chain Association. Atlas Chain & Precision Products. Diamond Chain. Link-Belt Chain Division, FMC. Morse Chain Division, Borg Warner. Rex Chainbelt.
A–588–029	AA1921–85	Fish Netting of Man-Made Fiber/Japan.	Jovanovich Supply. LFSI. Trans-Pacific Trading.
A–588–038	AA1921–98	Bicycle Speedometers/Japan	Avocet. Cat Eye. Diversified Products. NS International. Sanyo Electric. Stewart-Warner.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–588–041	AA1921–115	Synthetic Methionine/Japan	Monsanto.
A–588–045	AA1921–124	Steel Wire Rope/Japan	AMSTED Industries.
A–588–046	AA1921–129	Polychloroprene Rubber/Japan	E I du Pont de Nemours.
A–588–054	AA1921–143	Tapered Roller Bearings 4 Inches and Under/Japan.	No companies identified as petitioners at the Commission; Commerce service list identifies: American Honda Motor. Federal Mogul. Ford Motor. General Motors. Honda. Hoover-NSK Bearing. Isuzu. Itocho. ITOCHU International. Kanematsu-Goshu USA. Kawasaki Heavy Duty Industries. Komatsu America. Koyo Seiko. Kubota Tractor. Mitsubishi. Motorambar. Nachi America. Nachi Western. Nachi-Fujikoshi. Nippon Seiko. Nissan Motor. Nissan Motor USA. NSK. NTN. Subaru of America. Sumitomo. Suzuki Motor. Timken. Toyota Motor Sales. Yamaha Motors.
A–588–055	AA1921–154	Acrylic Sheet/Japan	Polycast Technology.
A–588–056	AA1921–162	Melamine/Japan	Melamine Chemical.
A–588–068	AA1921–188	Prestressed Concrete Steel Wire Strand/Japan.	American Spring Wire. Armco Steel. Bethlehem Steel. CF&I Steel. Florida Wire & Cable.
A–588–405	731–TA–207	Cellular Mobile Telephones/Japan.	EF Johnson. Motorola.
A–588–602	731–TA–309	Carbon Steel Butt-Weld Pipe Fittings/Japan.	Ladish. Mills Iron Works. Steel Forgings. Tube Forgings of America. Weldbend.
A–588–604	731–TA–343	Tapered Roller Bearings Over 4 Inches/Japan.	L&S Bearing. Timken. Torrington.
A–588–605	731–TA–347	Malleable Cast Iron Pipe Fittings/Japan.	Grinnell. Stanley G Flagg. Stockham Valves & Fittings. U-Brand. Ward Manufacturing.
A–588–609	731–TA–368	Color Picture Tubes/Japan	Industrial Union Department, AFL–CIO. International Association of Machinists & Aerospace Workers. International Brotherhood of Electrical Workers. International Union of Electronic, Electrical, Technical, Salaried and Machine Workers. Philips Electronic Components Group. United Steelworkers of America. Zenith Electronics.
A–588–702	731–TA–376	Stainless Steel Butt-Weld Pipe Fittings/Japan.	Flo-Mac Inc. Flowline. Shaw Alloy Piping Products. Taylor Forge Stainless.
A–588–703	731–TA–377	Internal Combustion Industrial Forklift Trucks/Japan.	Ad-Hoc Group of Workers from Hyster's Berea, Kentucky and Sulligent, Alabama Facilities. Allied Industrial Workers of America. Hyster.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Independent Lift Truck Builders Union. International Association of Machinists & Aerospace Workers. United Shop & Service Employees.
A–588–704	731–TA–379	Brass Sheet and Strip/Japan	Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. North Coast Brass & Copper. Olin. Pegg Metals. Revere Copper Products. United Steelworkers of America.
A–588–706	731–TA–384	Nitrile Rubber/Japan	Uniroyal Chemical.
A–588–707	731–TA–386	Granular Polytetrafluoroethylene/Japan.	E I du Pont de Nemours. ICI Americas.
A–588–802	731–TA–389	3.5" Microdisks/Japan	Verbatim.
A–588–804	731–TA–394–A	Ball Bearings/Japan	Barden Corp. Emerson Power Transmission. Kubar Bearings. McGill Manufacturing Co. MPB. Rexnord Inc. Rollway Bearings. Torrington.
A–588–804	731–TA–394–B	Cylindrical Roller Bearings/Japan	Barden Corp. Emerson Power Transmission. Kubar Bearings. MPB. Rollway Bearings. Torrington.
A–588–804	731–TA–394–C	Spherical Plain Bearings/Japan	Barden Corp. Emerson Power Transmission. Kubar Bearings. Rollway Bearings. Torrington.
A–588–806	731–TA–408	Electrolytic Manganese Dioxide/Japan.	Chemetals. Kerr-McGee. Rayovac.
A–588–807	731–TA–414	Industrial Belts/Japan	The Gates Rubber Company. The Goodyear Tire and Rubber Company.
A–588–809	731–TA–426	Small Business Telephone Systems/Japan.	American Telephone & Telegraph. Comdial. Eagle Telephonic.
A–588–810	731–TA–429	Mechanical Transfer Presses/Japan.	Allied Products. United Autoworkers of America. United Steelworkers of America.
A–588–811	731–TA–432	Drafting Machines/Japan	Vemco.
A–588–812	731–TA–440	Industrial Nitrocellulose/Japan	Hercules.
A–588–815	731–TA–461	Gray Portland Cement and Clinker/Japan.	Calaveras Cement. Hanson Permanente Cement. Independent Workers of North America (Locals 49, 52, 89, 192 and 471). International Union of Operating Engineers (Local 12). National Cement Co Inc. National Cement Company of California. Southdown.
A–588–817	731–TA–469	Electroluminescent Flat-Panel Displays/Japan.	The Cherry Corporation. Electro Plasma. Magnascreen. OIS Optical Imaging Systems. Photonics Technology. Planar Systems. Plasmaco.
A–588–823	731–TA–571	Professional Electric Cutting Tools/Japan.	Black & Decker.
A–588–826	731–TA–617	Corrosion-Resistant Carbon Steel Flat Products/Japan.	Bethlehem Steel California Steel Industries. Geneva Steel. Gulf States Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Lukens Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
A–588–831	731–TA–660	Grain-Oriented Silicon Electrical Steel/Japan.	Allegheny Ludlum. Armco Steel. United Steelworkers of America.
A–588–833	731–TA–681	Stainless Steel Bar/Japan	AL Tech Specialty Steel. Carpenter Technology. Crucible Specialty Metals. Electralloy. Republic Engineered Steels. Slater Steels. Talley Metals Technology. United Steelworkers of America.
A–588–835	731–TA–714	Oil Country Tubular Goods/Japan	IPSCO. Koppel Steel. Lone Star Steel Co. Maverick Tube. Newport Steel. North Star Steel. US Steel.
A–588–836	731–TA–727	Polyvinyl Alcohol/Japan	Air Products and Chemicals.
A–588–837	731–TA–737	Large Newspaper Printing Presses/Japan.	Rockwell Graphics Systems.
A–588–838	731–TA–739	Clad Steel Plate/Japan	Lukens Steel.
A–588–839	731–TA–740	Sodium Azide/Japan	American Azide.
A–588–840	731–TA–748	Gas Turbo-Compressor Systems/Japan.	Demag Delaval. Dresser-Rand. United Steelworkers of America.
A–588–841	731–TA–750	Vector Supercomputers/Japan	Cray Research.
A–588–843	731–TA–771	Stainless Steel Wire Rod/Japan	AL Tech Specialty Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
A–588–845	731–TA–800	Stainless Steel Sheet and Strip/Japan.	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless. United Steelworkers of America. Zanesville Armco Independent Organization.
A–588–846	731–TA–807	Hot-Rolled Carbon Steel Flat Products/Japan.	Acme Steel. Bethlehem Steel. California Steel Industries. Gallatin Steel. Geneva Steel. Gulf States Steel. Independent Steelworkers. IPSCO. Ispat/Inland. LTV Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A–588–847	731–TA–820	Cut-to-Length Carbon Steel Plate/Japan.	Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			IPSCO Steel. Tuscaloosa Steel. US Steel. United Steelworkers of America.
A–588–850	731–TA–847	Large-Diameter Carbon Steel Seamless Pipe/Japan.	North Star Steel. Timken. US Steel. United Steelworkers of America. USS/Kobe.
A–588–851	731–TA–847	Small-Diameter Carbon Steel Seamless Pipe/Japan.	Koppel Steel. North Star Steel. Sharon Tube. Timken. US Steel. United Steelworkers of America. USS/Kobe. Vision Metals' Gulf States Tube.
A–588–852	731–TA–853	Structural Steel Beams/Japan	Northwestern Steel and Wire. Nucor. Nucor-Yamato Steel. TXI-Chaparral Steel. United Steelworkers of America.
A–588–854	731–TA–860	Tin-Mill Products/Japan	Independent Steelworkers. United Steelworkers of America. Weirton Steel.
A–588–856	731–TA–888	Stainless Steel Angle/Japan	Slater Steels. United Steelworkers of America.
A–588–857	731–TA–919	Welded Large Diameter Line Pipe/Japan.	American Cast Iron Pipe. Berg Steel Pipe. Bethlehem Steel. Napa Pipe/Oregon Steel Mills. Saw Pipes USA. Stupp. US Steel.
A–588–861	731–TA–1016	Polyvinyl Alcohol/Japan	Celenex Ltd. E I du Pont de Nemours & Co.
A–588–862	731–TA–1023	Certain Ceramic Station Post Insulators/Japan.	Lapp Insulator Co LLC. Newell Porcelain Co Inc. Victor Insulators Inc.
A–588–866	731–TA–1090	Superalloy Degassed Chromium/ Japan.	Eramet Marietta Inc.
A–602–803	731–TA–612	Corrosion-Resistant Carbon Steel Flat Products/Australia.	Armco Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
A–791–805	731–TA–792	Stainless Steel Plate in Coils/ South Africa.	Allegheny Ludlum. Armco Steel. J&L Specialty Steel. Lukens Steel. North American Stainless. United Steelworkers of America.
A–791–808	731–TA–850	Small-Diameter Carbon Steel Seamless Pipe/South Africa.	Koppel Steel. North Star Steel. Sharon Tube. Timken. US Steel. United Steelworkers of America. USS/Kobe. Vision Metals' Gulf States Tube.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–791–809	731–TA–905	Hot-Rolled Steel Products/South Africa.	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A–791–815	731–TA–987	Ferrovanadium/South Africa	Bear Metallurgical Co. Shieldalloy Metallurgical Corp.
A–821–801	731–TA–340E	Solid Urea/Russia	Agrico Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A–821–802	731–TA–539–C ...	Uranium/Russia	Ferret Exploration. First Holding. Geomex Minerals. IMC Fertilizer. Malapai Resources. Oil, Chemical and Atomic Workers. Pathfinder Mines. Power Resources. Rio Algom Mining. Solution Mining. Total Minerals. Umetco Minerals. Uranium Resources.
A–821–804	731–TA–568	Ferrosilicon/Russia	AIMCOR. Alabama Silicon. American Alloys. Globe Metallurgical. Oil, Chemical and Atomic Workers (Local 389). Silicon Metaltech. United Autoworkers of America (Local 523). United Steelworkers of America (Locals 2528, 3081, 5171 and 12646).
A–821–805	731–TA–697	Pure Magnesium/Russia	Dow Chemical. International Union of Operating Engineers (Local 564). Magnesium Corporation of America. United Steelworkers of America (Local 8319).
A–821–807	731–TA–702	Ferrovanadium and Nitrided Vanadium/Russia.	Shieldalloy Metallurgical.
A–821–809	731–TA–808	Hot-Rolled Carbon Steel Flat Products/Russia.	Acme Steel. Bethlehem Steel. California Steel Industries. Gallatin Steel. Geneva Steel. Gulf States Steel. Independent Steelworkers. IPSCO. Ispat/Inland. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A–821–811	731–TA–856	Ammonium Nitrate/Russia	Agrium. Air Products and Chemicals. El Dorado Chemical.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			LaRoche. Mississippi Chemical. Nitram. Wil-Gro Fertilizer.
A–821–817	731–TA–991	Silicon Metal/Russia	Globe Metallurgical Inc. SIMCALA Inc.
A–821–819	731–TA1072	Pure and Alloy Magnesium/Russia.	Garfield Alloys Inc. Glass, Molders, Pottery, Plastics & Allied Workers International Local 374. Halaco Engineering. MagReTech Inc. United Steelworkers of America Local 8319. US Magnesium LLC.
A–822–801	731–TA–340B	Solid Urea/Belarus	Agrico Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A–822–804	731–TA–873	Steel Concrete Reinforcing Bar/Belarus.	AB Steel Mill Inc. AmeriSteel. Auburn Steel. Birmingham Steel. Border Steel. Cascade Steel Rolling Mills Inc. CMC Steel Group. Co-Steel Inc. Marion Steel. North Star Steel Co. Nucor Steel. Rebar Trade Action Coalition. Riverview Steel. Sheffield Steel. TAMCO. TXI-Chaparral Steel Co.
A–823–801	731–TA–340H	Solid Urea/Ukraine	Agrico Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A–823–802	731–TA–539–E	Uranium/Ukraine	Ferret Exploration. First Holding. Geomex Minerals. IMC Fertilizer. Malapai Resources. Oil, Chemical and Atomic Workers. Pathfinder Mines. Power Resources. Rio Algom Mining. Solution Mining. Total Minerals. Umetco Minerals. Uranium Resources.
A–823–804	731–TA–569	Ferrosilicon/Ukraine	AIMCOR. Alabama Silicon. American Alloys. Globe Metallurgical. Oil, Chemical and Atomic Workers (Local 389). Silicon Metaltech. United Autoworkers of America (Local 523). United Steelworkers of America (Locals 2528, 3081, 5171 and 12646).
A–823–805	731–TA–673	Silicomanganese/Ukraine	Elkem Metals. Oil, Chemical and Atomic Workers (Local 3–639).
A–823–809	731–TA–882	Steel Concrete Reinforcing Bar/Ukraine.	AB Steel Mill Inc. AmeriSteel. Auburn Steel. Birmingham Steel. Border Steel. Cascade Steel Rolling Mills Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			CMC Steel Group. Co-Steel Inc. Marion Steel. North Star Steel Co. Nucor Steel. Rebar Trade Action Coalition. Riverview Steel. Sheffield Steel. TAMCO. TXI-Chaparral Steel Co.
A–823–810	731–TA–894	Ammonium Nitrate/Ukraine	Agrium. Air Products and Chemicals. Committee for Fair Ammonium Nitrate Trade. El Dorado Chemical. LaRoche Industries. Mississippi Chemical. Nitram. Prodica.
A–823–811	731–TA–908	Hot-Rolled Steel Products/ Ukraine.	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A–823–812	731–TA–962	Carbon and Certain Alloy Steel Wire Rod/Ukraine.	AmeriSteel. Birmingham Steel. Cascade Steel Rolling Mills. Connecticut Steel Corp. Co-Steel Raritan. GS Industries. Keystone Consolidated Industries. North Star Steel Texas. Nucor Steel-Nebraska (a division of Nucor Corp). Republic Technologies International. Rocky Mountain Steel Mills.
A–831–801	731–TA–340A	Solid Urea/Armenia	Agrico Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A–834–806	731–TA–902	Hot-Rolled Steel Products/ Kazakhstan.	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dymanics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A–834–807	731–TA–930	Silicomanganese/Kazakhstan	Eramet Marietta. Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5–0639.
A–841–804	731–TA–879	Steel Concrete Reinforcing Bar/ Moldova.	AB Steel Mill Inc. AmeriSteel. Auburn Steel. Birmingham Steel. Border Steel. Cascade Steel Rolling Mills Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			CMC Steel Group. Co-Steel Inc. Marion Steel. North Star Steel Co. Nucor Steel. Rebar Trade Action Coalition. Riverview Steel. Sheffield Steel. TAMCO. TXI-Chaparral Steel Co.
A–841–805	731–TA–959	Carbon and Certain Alloy Steel Wire Rod/Moldova.	AmeriSteel. Birmingham Steel. Cascade Steel Rolling Mills. Connecticut Steel Corp. Co-Steel Raritan. GS Industries. Keystone Consolidated Industries. North Star Steel Texas. Nucor Steel-Nebraska (a division of Nucor Corp). Republic Technologies International. Rocky Mountain Steel Mills.
A–842–801	731–TA–340F	Solid Urea/Tajikistan	Agrico Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A–843–801	731–TA–340G	Solid Urea/Turkmenistan	Agrico Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A–843–802	731–TA–539	Uranium/Kazakhstan	Ferret Exploration. First Holding. Geomex Minerals. IMC Fertilizer. Malapai Resources. Oil, Chemical and Atomic Workers. Pathfinder Mines. Power Resources. Rio Algom Mining. Solution Mining. Total Minerals. Umetco Minerals. Uranium Resources.
A–843–804	731–TA–566	Ferrosilicon/Kazakhstan	AIMCOR. Alabama Silicon. American Alloys. Globe Metallurgical. Oil, Chemical and Atomic Workers (Local 389). Silicon Metaltech. United Autoworkers of America (Local 523). United Steelworkers of America (Locals 2528, 3081, 5171 and 12646).
A–844–801	731–TA–340I	Solid Urea/Uzbekistan	Agrico Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A–844–802	731–TA–539–F	Uranium/Uzbekistan	Ferret Exploration. First Holding. Geomex Minerals. IMC Fertilizer. Malapai Resources. Oil, Chemical and Atomic Workers. Pathfinder Mines. Power Resources. Rio Algom Mining.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Solution Mining.
			Total Minerals.
			Umetco Minerals.
			Uranium Resources.
A–851–802	731–TA–846	Small-Diameter Carbon Steel Seamless Pipe/Czech Republic.	Koppel Steel.
			North Star Steel.
			Sharon Tube.
			Timken.
			US Steel.
			United Steelworkers of America.
			USS/Kobe.
			Vision Metals' Gulf States Tube.
C–122–404	701–TA–224	Live Swine/Canada	National Pork Producers Council.
			Wilson Foods.
C–122–805	701–TA–297	Steel Rails/Canada	Bethlehem Steel.
			CF&I Steel.
C–122–815	701–TA–309–A	Alloy Magnesium/Canada	Magnesium Corporation of America.
C–122–815	701–TA–309–B	Pure Magnesium/Canada	Magnesium Corporation of America.
C–122–839	701–TA–414	Softwood Lumber/Canada	71 Lumber Co.
			Almond Bros Lbr Co.
			Anthony Timberlands.
			Balfour Lbr Co.
			Ball Lumber.
			Banks Lumber Company.
			Barge Forest Products Co.
			Beadles Lumber Co.
			Bearden Lumber.
			Bennett Lumber.
			Big Valley Band Mill.
			Bighorn Lumber Co Inc.
			Blue Mountain Lumber.
			Buddy Bean Lumber.
			Burgin Lumber Co Ltd.
			Burt Lumber Company.
			C&D Lumber Co.
			Ceda-Pine Veneer.
			Cersosimo Lumber Co Inc.
			Charles Ingram Lumber Co Inc.
			Charleston Heart Pine.
			Chesterfield Lumber.
			Chips.
			Chocorua Valley Lumber Co.
			Claude Howard Lumber.
			Clearwater Forest Industries.
			CLW Inc.
			CM Tucker Lumber Corp.
			Coalition for Fair Lumber Imports Executive Committee.
			Cody Lumber Co.
			Collins Pine Co.
			Collums Lumber.
			Columbus Lumber Co.
			Contoocook River Lumber.
			Conway Guiteau Lumber.
			Cornwright Lumber Co.
			Crown Pacific.
			Daniels Lumber Inc.
			Dean Lumber Co Inc.
			Deltic Timber Corporation.
			Devils Tower Forest Products.
			DiPrizio Pine Sales.
			Dorchester Lumber Co.
			DR Johnson Lumber.
			East Brainerd Lumber Co.
			East Coast Lumber Company.
			Eas-Tex Lumber.
			ECK Wood Products.
			Ellingson Lumber Co.
			Elliott Sawmilling.
			Empire Lumber Co.
			Evergreen Forest Products.
			Excalibur Shelving Systems Inc.
			Exley Lumber Co.
			FH Stoltze Land & Lumber Co.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			FL Turlington Lbr Co Inc. Fleming Lumber. Flippo Lumber. Floragen Forest Products. Frank Lumber Co. Franklin Timber Co. Fred Tebb & Sons. Fremont Sawmill. Frontier Resources. Garrison Brothers Lumber Co and Subsidiaries. Georgia Lumber. Gilman Building Products. Godfrey Lumber. Granite State Forest Prod Inc. Great Western Lumber Co. Greenville Molding Inc. Griffin Lumber Company. Guess Brothers Lumber. Gulf Lumber. Gulf States Paper. Guy Bennett Lumber. Hampton Resources. Hancock Lumber. Hankins Inc. Hankins Lumber Co. Harrigan Lumber. Harwood Products. Haskell Lumber Inc. Hatfield Lumber. Hedstrom Lumber. Herrick Millwork Inc. HG Toler & Son Lumber Co Inc. HG Wood Industries LLC. Hogan & Storey Wood Prod. Hogan Lumber Co. Hood Industries. HS Hofler & Sons Lumber Co Inc. Hubbard Forest Ind Inc. HW Culp Lumber Co. Idaho Veneer Co. Industrial Wood Products. Intermountain Res LLC. International Paper. J Franklin Jones Lumber Co Inc. Jack Batte & Sons Inc. Jasper Lumber Company. JD Martin Lumber Co. JE Jones Lumber Co. Jerry G Williams & Sons. JH Knighton Lumber Co. Johnson Lumber Company. Jordan Lumber & Supply. Joseph Timber Co. JP Haynes Lbr Co Inc. JV Wells Inc. JW Jones Lumber. Keadle Lumber Enterprises. Keller Lumber. King Lumber Co. Konkolville Lumber. Langdale Forest Products. Laurel Lumber Company. Leavitt Lumber Co. Leesville Lumber Co. Limington Lumber Co. Longview Fibre Co. Lovell Lumber Co Inc. M Kendall Lumber Co. Manke Lumber Co. Marriner Lumber Co. Mason Lumber. MB Heath & Sons Lumber Co. MC Dixon Lumber Co Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Mebane Lumber Co Inc. Metcalf Lumber Co Inc. Millry Mill Co Inc. Moose Creek Lumber Co. Moose River Lumber. Morgan Lumber Co Inc. Mount Yonah Lumber Co. Nagel Lumber. New Kearsarge Corp. New South. Nicolet Hardwoods. Nieman Sawmills SD. Nieman Sawmills WY. North Florida. Northern Lights Timber & Lumber. Northern Neck Lumber Co. Ochoco Lumber Co. Olon Belcher Lumber Co. Owens and Hurst Lumber. Packaging Corp of America. Page & Hill Forest Products. Paper, Allied-Industrial, Chemical and Energy Workers International Union. Parker Lumber. Pate Lumber Co Inc. PBS Lumber. Pedigo Lumber Co. Piedmont Hardwood Lumber Co. Pine River Lumber Co. Pinecrest Lumber Co. Pleasant River Lumber Co. Pleasant Western Lumber Inc. Plum Creek Timber. Pollard Lumber. Portac. Potlatch. Potomac Supply. Precision Lumber Inc. Pruitt Lumber Inc. R Leon Williams Lumber Co. RA Yancey Lumber. Rajala Timber Co. Ralph Hamel Forest Products. Randy D Miller Lumber. Rappahannock Lumber Co. Regulus Stud Mills Inc. Riley Creek Lumber. Roanoke Lumber Co. Robbins Lumber. Robertson Lumber. Roseburg Forest Products Co. Rough & Ready. RSG Forest Products. Rushmore Forest Products. RY Timber Inc. Sam Mabry Lumber Co. Scotch Lumber. SDS Lumber Co. Seacoast Mills Inc. Seago Lumber. Seattle-Snohomish. Seneca Sawmill. Shaver Wood Products. Shearer Lumber Products. Shuqualak Lumber. SI Storey Lumber. Sierra Forest Products. Sierra Pacific Industries. Sigfridson Wood Products. Silver City Lumber Inc. Somers Lbr & Mfg Inc. South & Jones. South Coast.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Southern Forest Industries Inc. Southern Lumber. St Laurent Forest Products. Starfire Lumber Co. Steely Lumber Co Inc. Stimson Lumber. Summit Timber Co. Sundance Lumber. Superior Lumber. Swanson Superior Forest Products Inc. Swift Lumber. Tamarack Mill. Taylor Lumber & Treating Inc. Temple-Inland Forest Products. Thompson River Lumber. Three Rivers Timber. Thrift Brothers Lumber Co Inc. Timco Inc. Tolleson Lumber. Toney Lumber. TR Miller Mill Co. Tradewinds of Virginia Ltd. Travis Lumber Co. Tree Source Industries Inc Tri-State Lumber. TTT Studs. United Brotherhood of Carpenters and Joiners. Viking Lumber Co. VP Kiser Lumber Co. Walton Lumber Co Inc. Warm Springs Forest Products. Westvaco Corp. Wilkins, Kaiser & Olsen Inc. WM Shepherd Lumber Co. WR Robinson Lumber Co Inc. Wrenn Brothers Inc. Wyoming Sawmills. Yakama Forest Products. Younce & Ralph Lumber Co Inc. Zip-O-Log Mills Inc.
C–122–841	701–TA–418	Carbon and Certain Alloy Steel Wire Rod/Canada.	AmeriSteel. Birmingham Steel. Cascade Steel Rolling Mills. Connecticut Steel Corp. Co-Steel Raritan. GS Industries. Keystone Consolidated Industries. North Star Steel Texas. Nucor Steel-Nebraska (a division of Nucor Corp). Republic Technologies International. Rocky Mountain Steel Mills.
C–122–848	701–TA–430B	Hard Red Spring Wheat/Canada	North Dakota Wheat Commission.
C–201–505	701–TA–265	Porcelain-on-Steel Cooking Ware/Mexico.	General Housewares.
C–201–810	701–TA–325	Cut-to-Length Carbon Steel Plate/Mexico.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
C–307–804	303–TA–21	Gray Portland Cement and Clinker/Venezuela.	Florida Crushed Stone. Southdown. Tarmac America.
C–307–808	303–TA–23	Ferrosilicon/Venezuela	AIMCOR. Alabama Silicon.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			American Alloys. Globe Metallurgical. Oil, Chemical and Atomic Workers (Local 389). Silicon Metaltech. United Autoworkers of America (Local 523). United Steelworkers of America (Locals 2528, 3081, 5171 and 12646).
C–333–401	701–TA–E	Cotton Shop Towels/Peru	No case at the Commission; Commerce service list identifies: Durafab. Kleen-Tex Industries. Lewis Eckert Robb. Milliken. Pavis & Harcourt.
C–351–037	104–TAA–21	Cotton Yarn/Brazil	American Yarn Spinners Association. Harriet & Henderson Yarns. LaFar Industries.
C–351–504	701–TA–249	Heavy Iron Construction Castings/Brazil.	Alhambra Foundry. Allegheny Foundry. Bingham & Taylor. Campbell Foundry. Charlotte Pipe & Foundry. Deeter Foundry. East Jordan Foundry. Le Baron Foundry. Municipal Castings. Neenah Foundry. Opelika Foundry. Pinkerton Foundry. Tyler Pipe. US Foundry & Manufacturing. Vulcan Foundry.
C–351–604	701–TA–269	Brass Sheet and Strip/Brazil	Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. Olin. Revere Copper Products. United Steelworkers of America.
C–351–818	701–TA–320	Cut-to-Length Carbon Steel Plate/Brazil.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
C–351–829	701–TA–384	Hot-Rolled Carbon Steel Flat Products/Brazil.	Acme Steel. Bethlehem Steel. California Steel Industries. Gallatin Steel. Geneva Steel. Gulf States Steel. Independent Steelworkers. IPSCO. Ispat/Inland. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Weirton Steel.
			Wheeling-Pittsburgh Steel Corp.
C–351–833	701–TA–417	Carbon and Certain Alloy Steel Wire Rod/Brazil.	AmeriSteel.
			Birmingham Steel.
			Cascade Steel Rolling Mills.
			Connecticut Steel Corp.
			Co-Steel Raritan.
			GS Industries.
			Keystone Consolidated Industries.
			North Star Steel Texas.
			Nucor Steel-Nebraska (a division of Nucor Corp).
			Republic Technologies International.
			Rocky Mountain Steel Mills.
C–357–004	701–TA–A	Carbon Steel Wire Rod/Argentina	Atlantic Steel.
			Continental Steel.
			Georgetown Steel.
			North Star Steel.
			Raritan River Steel.
C–357–813	701–TA–402	Honey/Argentina	AH Meyer & Sons.
			Adee Honey Farms.
			Althoff Apiaries.
			American Beekeeping Federation.
			American Honey Producers Association.
			Anderson Apiaries.
			Arroyo Apiaries.
			Artesian Honey Producers.
			B Weaver Apiaries.
			Bailey Enterprises.
			Barkman Honey.
			Basler Honey Apiary.
			Beals Honey.
			Bears Paw Apiaries.
			Beaverhead Honey.
			Bee Biz.
			Bee Haven Honey.
			Belliston Brothers Apiaries.
			Big Sky Honey.
			Bill Rhodes Honey.
			Richard E Blake.
			Curt Bronnenberg.
			Brown's Honey Farms.
			Brumley's Bees.
			Buhmann Apiaries.
			Carys Honey Farms.
			Chaparrel Honey.
			Charles Apiaries.
			Mitchell Charles.
			Collins Honey.
			Conor Apiaries.
			Coy's Honey Farm.
			Dave Nelson Apiaries.
			Delta Bee.
			Eisele's Pollination & Honey.
			Ellingsoa's.
			Elliott Curtis & Sons.
			Charles L Emmons, Sr.
			Gause Honey.
			Gene Brandi Apiaries.
			Griffith Honey.
			Haff Apiaries.
			Hamilton Bee Farms.
			Hamilton Honey.
			Happie Bee.
			Harvest Honey.
			Harvey's Honey.
			Hiatt Honey.
			Hoffman Honey.
			Hollman Apiaries.
			Honey House.
			Honeybee Apiaries.
			Gary M Honl.
			Rand William Honl and Sydney Jo Honl.
			James R & Joann Smith Trust.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Jaynes Bee Products. Johnston Honey Farms. Larry Johnston. Ke-An Honey. Kent Honeybees. Lake-Indianhead Honey Farms. Lamb's Honey Farm. Las Flores Apiaries. Mackrill Honey Farms & Sales. Raymond Marquette. Mason & Sons Honey. McCoy's Sunny South Apiaries. Merrimack Valley Apiaries & Evergreen Honey. Met 2 Honey Farm. Missouri River Honey. Mitchell Brothers Honey. Monda Honey Farm. Montana Dakota Honey. Northern Bloom Honey. Noye's Apiaries. Oakes Honey. Oakley Honey Farms. Old Mill Apiaries. Opp Honey. Oro Dulce. Peterson's ''Naturally Sweet'' Honey. Potoczak Bee Farms. Price Apiaries. Pure Sweet Honey Farms. Robertson Pollination Service. Robson Honey. William Robson. Rosedale Apiaries. Ryan Apiaries. Schmidt Honey Farms. Simpson Apiaries. Sioux Honey Association. Smoot Honey. Solby Honey. Stahlman Apiaries. Steve E Parks Apiaries. Stroope Bee & Honey. T&D Honey Bee. Talbott's Honey. Terry Apiaries. Thompson Apiaries. Triple A Farm. Tropical Blossom Honey. Tubbs Apiaries. Venable Wholesale. Walter L Wilson Buzz 76 Apiaries. Wiebersiek Honey Farms. Wilmer Farms. Brent J Woodworth. Wooten's Golden Queens. Yaddof Apiaries.
C–357–815	701–TA–404	Hot-Rolled Steel Products/Argentina.	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
C–401–401	701–TA–231	Cold-Rolled Carbon Steel Flat Products/Sweden.	Bethlehem Steel. Chaparral. US Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
C–401–804	701–TA–327	Cut-to-Length Carbon Steel Plate/Sweden.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
C–403–802	701–TA–302	Fresh and Chilled Atlantic Salmon/Norway.	Heritage Salmon. The Coalition for Fair Atlantic Salmon Trade.
C–408–046	104–TAA–7	Sugar/EU	No petition at the Commission; Commerce service list identifies: AJ Yates. Alexander & Baldwin. American Farm Bureau Federation. American Sugar Cane League. American Sugarbeet Growers Association. Amstar Sugar. Florida Sugar Cane League. Florida Sugar Marketing and Terminal Association. H&R Brokerage. Hawaiian Agricultural Research Center. Leach Farms. Michigan Farm Bureau. Michigan Sugar. Rio Grande Valley Sugar Growers Association. Sugar Cane Growers Cooperative of Florida. Talisman Sugar. US Beet Sugar Association. United States Beet Sugar Association. United States Cane Sugar Refiners' Association.
C–412–815	701–TA–328	Cut-to-Length Carbon Steel Plate/United Kingdom.	Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
C–412–821	701–TA–412	Low Enriched Uranium/United Kingdom.	United States Enrichment Corp. USEC Inc.
C–421–601	701–TA–278	Fresh Cut Flowers/Netherlands	Burdette Coward. California Floral Council. Floral Trade Council. Florida Flower Association. Gold Coast Uanko Nursery. Hollandia Wholesale Florist. Manatee Fruit. Monterey Flower Farms. Topstar Nursery.
C–421–809	701–TA–411	Low Enriched Uranium/Netherlands.	United States Enrichment Corp. USEC Inc.
C–423–806	701–TA–319	Cut-to-Length Carbon Steel Plate/Belgium.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Thompson Steel. US Steel. United Steelworkers of America.
C–423–809	701–TA–376	Stainless Steel Plate in Coils/Belgium.	Allegheny Ludlum. Armco Steel. Lukens Steel. North American Stainless. United Steelworkers of America.
C–427–603	701–TA–270	Brass Sheet and Strip/France	Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. Olin. Revere Copper Products. United Steelworkers of America.
C–427–805	701–TA–315	Hot-Rolled Lead and Bismuth Carbon Steel Products/France.	Bethlehem Steel. Inland Steel Industries. USS/Kobe Steel.
C–427–810	701–TA–348	Corrosion-Resistant Carbon Steel Flat Products/France.	Armco Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
C–427–815	701–TA–380	Stainless Steel Sheet and Strip/France.	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. North American Stainless. United Steelworkers of America. Zanesville Armco Independent Organization.
C–427–817	701–TA–387	Cut-to-Length Carbon Steel Plate/France.	Bethlehem Steel. Geneva Steel. IPSCO Steel. National Steel. US Steel. United Steelworkers of America.
C–427–819	701–TA–409	Low Enriched Uranium/France ...	United States Enrichment Corp. USEC Inc.
C–428–817	701–TA–340	Cold-Rolled Carbon Steel Flat Products/Germany.	Armco Steel. Bethlehem Steel. California Steel Industries. Gulf States Steel. Inland Steel Industries. LTV Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
C–428–817	701–TA–349	Corrosion-Resistant Carbon Steel Flat Products/Germany.	Armco Steel. Bethlehem Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
C–428–817	701–TA–322	Cut-to-Length Carbon Steel Plate/Germany.	Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
C–428–829	701–TA–410	Low Enriched Uranium/Germany	United States Enrichment Corp. USEC Inc.
C–437–805	701–TA–426	Sulfanilic Acid/Hungary	Nation Ford Chemical.
C–469–004	701–TA–178	Stainless Steel Wire Rod/Spain	AL Tech Specialty Steel. Armco Steel. Carpenter Technology. Colt Industries. Cyclops. Guterl Special Steel. Joslyn Stainless Steels. Republic Steel.
C–469–804	701–TA–326	Cut-to-Length Carbon Steel Plate/Spain.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
C–475–812	701–TA–355	Grain-Oriented Silicon Electrical Steel/Italy.	Allegheny Ludlum. Armco Steel. Butler Armco Independent Union. United Steelworkers of America. Zanesville Armco Independent Union.
C–475–815	701–TA–362	Seamless Pipe/Italy	Koppel Steel. Quanex. Timken. United States Steel.
C–475–817	701–TA–364	Oil Country Tubular Goods/Italy	IPSCO. Koppel Steel. Lone Star Steel. Maverick Tube. Newport Steel. North Star Steel. US Steel. USS/Kobe.
C–475–819	701–TA–365	Pasta/Italy	A Zerega's Sons. American Italian Pasta.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Borden. D Merlino & Sons. Dakota Growers Pasta. Foulds. Gilster-Mary Lee. Gooch Foods. Hershey Foods. LaRinascente Macaroni Co. Pasta USA. Philadelphia Macaroni. ST Specialty Foods.
C–475–821	701–TA–373	Stainless Steel Wire Rod/Italy	AL Tech Specialty Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
C–475–823	701–TA–377	Stainless Steel Plate in Coils/Italy	Allegheny Ludlum. Armco Steel. J&L Specialty Steel. Lukens Steel. North American Stainless. United Steelworkers of America.
C–475–825	701–TA–381	Stainless Steel Sheet and Strip/ Italy.	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless. United Steelworkers of America. Zanesville Armco Independent Organization.
C–475–827	701–TA–390	Cut-to-Length Carbon Steel Plate/Italy.	Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. National Steel. US Steel. United Steelworkers of America.
C–475–830	701–TA–413	Stainless Steel Bar/Italy	Carpenter Technology. Crucible Specialty Metals. Electralloy. Empire Specialty Steel. Republic Technologies International. Slater Steels. United Steelworkers of America.
C–489–502	701–TA–253	Welded Carbon Steel Pipe and Tube/Turkey.	Allied Tube & Conduit. American Tube. Bernard Epps. Bock Industries. Bull Moose Tube. Central Steel Tube. Century Tube. Copperweld Tubing. Cyclops. Hughes Steel & Tube. Kaiser Steel. Laclede Steel. Maruichi American. Maverick Tube. Merchant Metals. Phoenix Steel. Pittsburgh Tube. Quanex. Sharon Tube. Southwestern Pipe. UNR-Leavitt. Welded Tube. Western Tube & Conduit. Wheatland Tube.
C–489–806	701–TA–366	Pasta/Turkey	A Zerega's Sons. American Italian Pasta. Borden.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			D Merlino & Sons. Dakota Growers Pasta. Foulds. Gilster-Mary Lee. Gooch Foods. Hershey Foods. LaRinascente Macaroni Co. Pasta USA. Philadelphia Macaroni. ST Specialty Foods.
C–507–501	N/A	Raw In-Shell Pistachios/Iran	Blackwell Land Co. Cal Pure Pistachios Inc. California Pistachio Commission. California Pistachio Orchards. Keenan Farms Inc. Kern Pistachio Hulling & Drying Co-Op. Los Rancheros de Poco Pedro. Pistachio Producers of California. TM Duche Nut Co Inc.
C–507–601	N/A	Roasted In-Shell Pistachios/Iran	Cal Pure Pistachios Inc. California Pistachio Commission. Keenan Farms Inc. Kern Pistachio Hulling & Drying Co-Op. Pistachio Producers of California. TM Duche Nut Co Inc.
C–508–605	701–TA–286	Industrial Phosphoric Acid/Israel	Albright & Wilson. FMC. Hydrite Chemical. Monsanto. Stauffer Chemical.
C–533–063	303–TA–13	Iron Metal Castings/India	Campbell Foundry. Le Baron Foundry. Municipal Castings. Neenah Foundry. Pinkerton Foundry. US Foundry & Manufacturing. Vulcan Foundry.
C–533–807	701–TA–318	Sulfanilic Acid/India	R–M Industries.
C–533–818	701–TA–388	Cut-to-Length Carbon Steel Plate/India.	Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. National Steel. Tuscaloosa Steel. US Steel. United Steelworkers of America.
C–533–821	701–TA–405	Hot-Rolled Steel Products/India	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
C–533–825	701–TA–415	Polyethylene Terephthalate Film, Sheet and Strip (PET Film)/ India.	DuPont Teijin Films. Mitsubishi Polyester Film LLC. SKC America Inc. Toray Plastics (America).
C–533–829	701–TA–432	Prestressed Concrete Steel Wire Strand/India.	American Spring Wire Corp. Insteel Wire Products Co. Sivaco Georgia LLC. Strand Tech Martin Inc. Sumiden Wire Products Corp.
C–533–839	701–TA–437	Carbazole Violet Pigment 23/ India.	Allegheny Color Corp. Barker Fine Color Inc. Clariant Corp.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Nation Ford Chemical Co. Sun Chemical Co.
C–533–844	701–TA–442	Certain Lined Paper School Supplies/India.	Fay Paper Products Inc. MeadWestvaco Consumer & Office Products. Norcom Inc. Pacon Corp. Roaring Spring Blank Book Co. Top Flight Inc. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO–CLC (USW).
C–535–001	701–TA–202	Cotton Shop Towels/Pakistan	Milliken.
C–549–818	701–TA–408	Hot-Rolled Steel Products/Thailand.	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
C–560–806	701–TA–389	Cut-to-Length Carbon Steel Plate/Indonesia.	Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. National Steel. Tuscaloosa Steel. US Steel. United Steelworkers of America.
C–560–813	701–TA–406	Hot-Rolled Steel Products/Indonesia.	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
C–560–819	701–TA–443	Certain Lined Paper School Supplies/Indonesia.	Fay Paper Products Inc. MeadWestvaco Consumer & Office Products. Norcom Inc. Pacon Corp. Roaring Spring Blank Book Co. Top Flight Inc. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO–CLC (USW).
C–580–602	701–TA–267	Top-of-the-Stove Stainless Steel Cooking Ware/Korea.	Farberware. Regal Ware. Revere Copper & Brass. WearEver/Proctor Silex.
C–580–818	701–TA–342	Cold-Rolled Carbon Steel Flat Products/Korea.	Armco Steel. Bethlehem Steel. California Steel Industries. Gulf States Steel. Inland Steel Industries. LTV Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
C–580–818	701–TA–350	Corrosion-Resistant Carbon Steel Flat Products/Korea.	Armco Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
C–580–835	701–TA–382	Stainless Steel Sheet and Strip/ Korea.	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless. United Steelworkers of America. Zanesville Armco Independent Organization.
C–580–837	701–TA–391	Cut-to-Length Carbon Steel Plate/Korea.	Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. National Steel. Tuscaloosa Steel. US Steel. United Steelworkers of America.
C–580–842	701–TA–401	Structural Steel Beams/Korea	Northwestern Steel and Wire. Nucor. Nucor-Yamato Steel. TXI-Chaparral Steel. United Steelworkers of America.
C–580–851	701–TA–431	DRAMs and DRAM Modules/ Korea.	Dominion Semiconductor LLC/Micron Technology Inc. Infineon Technologies Richmond LP. Micron Technology Inc.
C–583–604	701–TA–268	Top-of-the-Stove Stainless Steel Cooking Ware/Taiwan.	Farberware. Regal Ware. Revere Copper & Brass. WearEver/Proctor Silex.
C–791–806	701–TA–379	Stainless Steel Plate in Coils/ South Africa.	Allegheny Ludlum. Armco Steel. J&L Specialty Steel. Lukens Steel. North American Stainless. United Steelworkers of America.
C–791–810	701–TA–407	Hot-Rolled Steel Products/South Africa.	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–331–802	731–TA–1065	Certain Frozen Warmwater Shrimp and Prawns/Ecuador.	
A–351–838	731–TA–1063	Certain Frozen Warmwater Shrimp and Prawns/Brazil.	
A–533–840	731–TA–1066	Certain Frozen Warmwater Shrimp and Prawns/India.	
A–549–822	731–TA–1067	Certain Frozen Warmwater Shrimp and Prawns/Thailand.	
A–552–802	731–TA–1068	Certain Frozen Warmwater Shrimp and Prawns/Vietnam.	
A–570–893	731–TA–1064	Certain Frozen Warmwater Shrimp and Prawns/China.	Petitioners/Supporters for all six cases listed: Abadie, Al J. Abadie, Anthony. Abner, Charles. Abraham, Steven. Abshire, Gabriel J. Ackerman, Dale J. Acosta, Darryl L. Acosta, Jerry J Sr. Acosta, Leonard C. Acosta, Wilson Pula Sr. Adam, Denise T. Adam, Michael A. Adam, Richard B Jr. Adam, Sherry P. Adam, William E. Adam, Alcide J Jr. Adams, Dudley. Adams, Elizabeth L. Adams, Ervin. Adams, Ervin. Adams, George E. Adams, Hursy J. Adams, James Arthur. Adams, Kelly. Adams, Lawrence J Jr. Adams, Randy. Adams, Ritchie. Adams, Steven A. Adams, Ted J. Adams, Tim. Adams, Whitney P Jr. Agoff, Ralph J. Aguilar, Rikardo. Aguillard, Roddy G. Alario, Don Ray. Alario, Nat. Alario, Pete J. Alario, Timmy. Albert, Craig J. Albert, Junior J. Alexander, Everett O. Alexander, Robert F Jr. Alexie, Benny J. Alexie, Corkey A. Alexie, Dolphy. Alexie, Felix Jr. Alexie, Gwendolyn. Alexie, John J. Alexie, John V. Alexie, Larry J Sr. Alexie, Larry Jr. Alexie, Vincent L Jr. Alexis, Barry S. Alexis, Craig W. Alexis, Micheal. Alexis, Monique. Alfonso, Anthony E Jr. Alfonso, Jesse. Alfonso, Nicholas. Alfonso, Paul Anthony. Alfonso, Randy. Alfonso, Terry S Jr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Alfonso, Vernon Jr. Alfonso, Yvette. Alimia, Angelo A Jr. Allemand, Dean J. Allen, Annie. Allen, Carolyn Sue. Allen, Jackie. Allen, Robin. Allen, Wayne. Allen, Wilbur L. Allen, Willie J III. Allen, Willie Sr. Alphonso, John. Ancalade, Leo J. Ancar, Claudene. Ancar, Jerry T. Ancar, Joe C. Ancar, Merlin Sr. Ancar, William Sr. Ancelet, Gerald Ray. Anderson, Andrew David. Anderson, Ernest W. Anderson, Jerry. Anderson, John. Anderson, Lynwood. Anderson, Melinda Rene. Anderson, Michael Brian. Anderson, Ronald L Sr. Anderson, Ronald Louis Jr. Andonie, Miguel. Andrews, Anthony R. Andry, Janice M. Andry, Rondey S. Angelle, Louis. Anglada, Eugene Sr. Ansardi, Lester. Anselmi, Darren. Aparicio, Alfred. Aparicio, David. Aparicio, Ernest. Arabie, Georgia P. Arabie, Joseph. Arcement, Craig J. Arcement, Lester C. Arcemont, Donald Sr. Arceneaux, Matthew J. Arceneaux, Michael K. Areas, Christopher J. Armbruster, John III. Armbruster, Paula D. Armstrong, Jude Jr. Arnesen, George. Arnold, Lonnie L Jr. Arnona, Joseph T. Arnondin, Robert. Arthur, Brenda J. Assavedo, Floyd. Atwood, Gregory Kenneth. Au, Chow D. Au, Robert. Aucoin, Dewey F. Aucoin, Earl. Aucoin, Laine A. Aucoin, Perry J. Austin, Dennis. Austin, Dennis J. Authement, Brice. Authement, Craig L. Authement, Dion J. Authement, Gordon. Authement, Lance M. Authement, Larry. Authement, Larry Sr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Authement, Roger J. Authement, Sterling P. Autin, Bobby. Autin, Bruce J. Autin, Kenneth D. Autin, Marvin J. Autin, Paul F Jr. Autin, Roy. Avenel, Albert J Jr. Ba Wells, Tran Thi. Babb, Conny. Babin, Brad. Babin, Joey L. Babin, Klint. Babin, Molly. Babin, Norman J. Babineaux, Kirby. Babineaux, Vicki. Bach, Ke Van. Bach, Reo Long. Backman, Benny. Badeaux, Todd. Baham, Dewayne. Bailey, Albert. Bailey, Antoine III. Bailey, David B Sr. Bailey, Don. Baker, Clarence. Baker, Donald Earl. Baker, James. Baker, Kenneth. Baker, Ronald J. Balderas, Antonio. Baldwin, Richard Prentiss. Ballard, Albert. Ballas, Barbara A. Ballas, Charles J. Baltz, John F. Ban, John. Bang, Bruce K. Barbaree, Joe W. Barbe, Mark A and Cindy. Barber, Louie W Jr. Barber, Louie W Sr. Barbier, Percy T. Barbour, Raymond A. Bargainear, James E. Barisich, George A. Barisich, Joseph J. Barnette, Earl. Barnhill, Nathan. Barrios, Clarence. Barrios, Corbert J. Barrios, Corbert M. Barrios, David. Barrios, John. Barrios, Shane James. Barrois, Angela Gail. Barrois, Dana A. Barrois, Tracy James. Barrois, Wendell Jude Jr. Barthe, Keith Sr. Barthelemy, Allen M. Barthelemy, John A. Barthelemy, Rene T Sr. Barthelemy, Walter A Jr. Bartholomew, Mitchell. Bartholomew, Neil W. Bartholomew, Thomas E. Bartholomew, Wanda C. Basse, Donald J Sr. Bates, Mark. Bates, Ted Jr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Bates, Vernon Jr. Battle, Louis. Baudoin, Drake J. Baudoin, Murphy A. Baudouin, Stephen. Bauer, Gary. Baye, Glen P. Bean, Charles A. Beazley, William E. Becnel, Glenn J. Becnel, Kent. Beecher, Carold F. Beechler, Ronald. Bell, James E. Bell, Ronald A. Bellanger, Arnold. Bellanger, Clifton. Bellanger, Scott J. Belsome, Derrell M. Belsome, Karl M. Bennett, Cecil A Jr. Bennett, Gary Lynn. Bennett, Irin Jr. Bennett, James W Jr. Bennett, Louis. Benoit, Francis J. Benoit, Nicholas L. Benoit, Paula T. Benoit, Tenna J Jr. Benton, Walter T. Berger, Ray W. Bergeron, Alfred Scott. Bergeron, Jeff. Bergeron, Nolan A. Bergeron, Ulysses J. Bernard, Lamont L. Berner, Mark J. Berthelot, Gerard J Sr. Berthelot, James A. Berthelot, Myron J. Bertrand, Jerl C. Beverung, Keith J. Bianchini, Raymond W. Bickham, Leo E. Bienvenu, Charles. Biggs, Jerry W Sr. Bigler, Delbert. Billington, Richard. Billiot, Alfredia. Billiot, Arthur. Billiot, Aubrey. Billiot, Barell J. Billiot, Betty. Billiot, Bobby J. Billiot, Brian K. Billiot, Cassidy. Billiot, Charles Sr. Billiot, Chris J Sr. Billiot, E J E. Billiot, Earl W Sr. Billiot, Ecton L. Billiot, Emary. Billiot, Forest Jr. Billiot, Gerald. Billiot, Harold J. Billiot, Jacco A. Billiot, Jake A. Billiot, James Jr. Billiot, Joseph S Jr. Billiot, Laurence V. Billiot, Leonard F Jr. Billiot, Lisa. Billiot, Mary L.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Billiot, Paul J Sr. Billiot, Shirley L. Billiot, Steve M. Billiot, Thomas Adam. Billiot, Thomas Sr. Billiot, Wenceslaus Jr. Billiott, Alexander J. Biron, Yale. Black, William C. Blackston, Larry E. Blackwell, Wade H III. Blackwell, Wade H Jr. Blanchard, Albert. Blanchard, Andrew J. Blanchard, Billy J. Blanchard, Cyrus. Blanchard, Daniel A. Blanchard, Dean. Blanchard, Douglas Jr. Blanchard, Dwayne. Blanchard, Elgin. Blanchard, Gilbert. Blanchard, Jade. Blanchard, James. Blanchard, John F Jr. Blanchard, Katie. Blanchard, Kelly. Blanchard, Matt Joseph. Blanchard, Michael. Blanchard, Quentin Timothy. Blanchard, Roger Sr. Blanchard, Walton H Jr. Bland, Quyen T. Blouin, Roy A. Blume, Jack Jr. Bodden, Arturo. Bodden, Jasper. Bollinger, Donald E. Bolotte, Darren W. Bolton, Larry F. Bondi, Paul J. Bonvillain, Jimmy J. Bonvillian, Donna M. Boone, Clifton Felix. Boone, Donald F II. Boone, Donald F III (Ricky). Boone, Gregory T. Boquet, Noriss P Jr. Boquet, Wilfred Jr. Bordelon, Glenn Sr. Bordelon, James P. Bordelon, Shelby P. Borden, Benny. Borne, Crystal. Borne, Dina L. Borne, Edward Joseph Jr. Borne, Edward Sr. Bosarge, Hubert Lawrence. Bosarge, Robert. Bosarge, Sandra. Bosarge, Steve. Boudlauch, Durel A Jr. Boudoin, Larry Terrell. Boudoin, Nathan. Boudreaux, Brent J. Boudreaux, Elvin J III. Boudreaux, James C Jr. Boudreaux, James N. Boudreaux, Jessie. Boudreaux, Leroy A. Boudreaux, Mark. Boudreaux, Paul Sr. Boudreaux, Richard D.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Boudreaux, Ronald Sr. Boudreaux, Sally. Boudreaux, Veronica. Boudwin, Dwayne. Boudwin, Jewel James Sr. Boudwin, Wayne. Bouise, Norman. Boulet, Irwin J Jr. Boullion, Debra. Bourg, Allen T. Bourg, Benny. Bourg, Chad J. Bourg, Channon. Bourg, Chris. Bourg, Douglas. Bourg, Glenn A. Bourg, Jearmie Sr. Bourg, Kent A. Bourg, Mark. Bourg, Nolan P. Bourg, Ricky J. Bourgeois, Albert P. Bourgeois, Brian J Jr. Bourgeois, Daniel. Bourgeois, Dwayne. Bourgeois, Jake. Bourgeois, Johnny M. Bourgeois, Johnny M Jr. Bourgeois, Leon A. Bourgeois, Louis A. Bourgeois, Merrie E. Bourgeois, Randy P. Bourgeois, Reed. Bourgeois, Webley. Bourn, Chris. Bourque, Murphy Paul. Bourque, Ray. Bousegard, Duvic Jr. Boutte, Manuel J Jr. Bouvier, Colbert A II. Bouzigard, Dale J. Bouzigard, Edgar J III. Bouzigard, Eeris. Bowers, Harold. Bowers, Tommy. Boyd, David E Sr. Boyd, Elbert. Boykin, Darren L. Boykin, Thomas Carol. Bradley, James. Brady, Brian. Brandhurst, Kay. Brandhurst, Ray E Sr. Brandhurst, Raymond J. Braneff, David G. Brannan, William P. Branom, Donald James Jr. Braud, James M. Brazan, Frank J. Breaud, Irvin F Jr. Breaux, Barbara. Breaux, Brian J. Breaux, Charlie M. Breaux, Clifford. Breaux, Colin E. Breaux, Daniel Jr. Breaux, Larry J. Breaux, Robert J Jr. Breaux, Shelby. Briscoe, Robert F Jr. Britsch, L D Jr. Broussard, Dwayne E. Broussard, Eric.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Broussard, Keith. Broussard, Larry. Broussard, Mark A. Broussard, Roger David. Broussard, Roger R. Broussard, Steve P. Brown, Cindy B. Brown, Colleen. Brown, Donald G. Brown, John W. Brown, Paul R. Brown, Ricky. Brown, Toby H. Bruce, Adam J. Bruce, Adam J Jr. Bruce, Bob R. Bruce, Daniel M Sr. Bruce, Eli T Sr. Bruce, Emelda L. Bruce, Gary J Sr. Bruce, James P. Bruce, Lester J Jr. Bruce, Margie L. Bruce, Mary P. Bruce, Nathan. Bruce, Robert. Bruce, Russell. Brudnock, Peter Sr. Brunet, Elton J. Brunet, Joseph A. Brunet, Joseph A. Brunet, Levy J Jr. Brunet, Raymond Sr. Bryan, David N. Bryant, Ina Fay V. Bryant, Jack D Sr. Bryant, James Larry. Buford, Ernest. Bui, Ben. Bui, Dich. Bui, Dung Thi. Bui, Huong T. Bui, Ngan. Bui, Nhuan. Bui, Nuoi Van. Bui, Tai. Bui, Tien. Bui, Tommy. Bui, Xuan and De Nguyen. Bui, Xuanmai. Bull, Delbert E. Bundy, Belvina (Kenneth). Bundy, Kenneth Sr. Bundy, Nicky. Bundy, Ronald J. Bundy, Ronnie J. Buquet, John Jr. Buras, Clayton M. Buras, Leander. Buras, Robert M Jr. Buras, Waylon J. Burlett, Elliott C. Burlett, John C Jr. Burnell, Charles B. Burnell, Charles R. Burnham, Deanna Lea. Burns, Stuart E. Burroughs, Lindsey Hilton Jr. Burton, Ronnie. Busby, Hardy E. Busby, Tex H. Busch, RC. Bush, Robert A.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Bussey, Tyler. Butcher, Dorothy. Butcher, Rocky J. Butler, Albert A. Butler, Aline M. Bychurch, Johnny. Bychurch, Johnny Jr. Cabanilla, Alex. Caboz, Jose Santos. Cacioppo, Anthony Jr. Caddell, David. Cadiere, Mae Quick. Cadiere, Ronald J. Cahill, Jack. Caillouet, Stanford Jr. Caison, Jerry Lane Jr. Calcagno, Stephen Paul Sr. Calderone, John S. Callahan, Gene P Sr. Callahan, Michael J. Callahan, Russell. Callais, Ann. Callais, Franklin D. Callais, Gary D. Callais, Michael. Callais, Michael. Callais, Sandy. Callais, Terrence. Camardelle, Anna M. Camardelle, Chris J. Camardelle, David. Camardelle, Edward J III. Camardelle, Edward J Jr. Camardelle, Harris A. Camardelle, Knowles. Camardelle, Noel T. Camardelle, Tilman J. Caminita, John A III. Campo, Donald Paul. Campo, Kevin. Campo, Nicholas J. Campo, Roy. Campo, Roy Sr. Camus, Ernest M Jr. Canova, Carl. Cantrelle, Alvin. Cantrelle, Eugene J. Cantrelle, Otis A Sr. Cantrelle, Otis Jr (Buddy). Cantrelle, Philip A. Cantrelle, Tate Joseph. Canty, Robert Jamies. Cao, Anna. Cao, Billy. Cao, Billy Viet. Cao, Binh Quang. Cao, Chau. Cao, Dan Dien. Cao, Dung Van. Cao, Gio Van. Cao, Hiep A. Cao, Linh Huyen. Cao, Nghia Thi. Cao, Nhieu V. Cao, Si-Van. Cao, Thanh Kim. Cao, Tuong Van. Carinhas, Jack G Jr. Carl, Joseph Allen. Carlos, Gregory. Carlos, Irvin. Carmadelle, David J. Carmadelle, Larry G.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Carmadelle, Rudy J. Carrere, Anthony T Jr. Carrier, Larry J. Caruso, Michael. Casanova, David W Sr. Cassagne, Alphonse G III. Cassagne, Alphonse G IV. Cassidy, Mark. Casso, Joseph. Castelin, Gilbert. Castelin, Sharon. Castellanos, Raul L. Castelluccio, John A Jr. Castille, Joshua. Caulfield, Adolph Jr. Caulfield, Hope. Caulfield, James M Jr. Caulfield, Jean. Cepriano, Salvador. Cerdes, Julius W Jr. Cerise, Marla. Chabert, John. Chaisson, Dean J. Chaisson, Henry. Chaisson, Vincent A. Chaix, Thomas B III. Champagne, Brian. Champagne, Harold P. Champagne, Kenton. Champagne, Leon J. Champagne, Leroy A. Champagne, Lori. Champagne, Timmy D. Champagne, Willard. Champlin, Kim J. Chance, Jason R. Chancey, Jeff. Chapa, Arturo. Chaplin Robert G Sr. Chaplin, Saxby Stowe. Charles, Christopher. Charpentier, Allen J. Charpentier, Alvin J. Charpentier, Daniel J. Charpentier, Lawrence. Charpentier, Linton. Charpentier, Melanie. Charpentier, Murphy Jr. Charpentier, Robert J. Chartier, Michelle. Chau, Minh Huu. Chauvin, Anthony. Chauvin, Anthony P Jr. Chauvin, Carey M. Chauvin, David James. Chauvin, James E. Chauvin, Kimberly Kay. Cheeks, Alton Bruce. Cheers, Elwood. Chenier, Ricky. Cheramie, Alan. Cheramie, Alan J Jr. Cheramie, Alton J. Cheramie, Berwick Jr. Cheramie, Berwick Sr. Cheramie, Daniel James Sr. Cheramie, Danny. Cheramie, David J. Cheramie, David P. Cheramie, Dickey J. Cheramie, Donald. Cheramie, Enola. Cheramie, Flint.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Cheramie, Harold L. Cheramie, Harry J Sr. Cheramie, Harry Jr. Cheramie, Harvey Jr. Cheramie, Harvey Sr. Cheramie, Henry J Sr. Cheramie, James A. Cheramie, James P. Cheramie, Jody P. Cheramie, Joey J. Cheramie, Johnny. Cheramie, Joseph A. Cheramie, Lee Allen. Cheramie, Linton J. Cheramie, Mark A. Cheramie, Murphy J. Cheramie, Nathan A Sr. Cheramie, Neddy P. Cheramie, Nicky J. Cheramie, Ojess M. Cheramie, Paris P. Cheramie, Robbie. Cheramie, Rodney E Jr. Cheramie, Ronald. Cheramie, Roy. Cheramie, Roy A. Cheramie, Sally K. Cheramie, Terry J. Cheramie, Terry Jr. Cheramie, Timmy. Cheramie, Tina. Cheramie, Todd M. Cheramie, Tommy. Cheramie, Wayne A. Cheramie, Wayne A Jr. Cheramie, Wayne F Sr. Cheramie, Wayne J. Cheramie, Webb Jr. Chevalier, Mitch. Chew, Thomas J. Chhun, Samantha. Chiasson, Jody J. Chiasson, Manton P Jr. Chiasson, Michael P. Childress, Gordon. Chisholm, Arthur. Chisholm, Henry Jr. Christen, David Jr. Christen, Vernon. Christmas, John T Jr. Chung, Long V. Ciaccio, Vance. Cibilic, Bozidar. Cieutat, John. Cisneros, Albino. Ciuffi, Michael L. Clark, James M. Clark, Jennings. Clark, Mark A. Clark, Ricky L. Cobb, Michael A. Cochran, Jimmy. Coleman, Ernest. Coleman, Freddie Jr. Colletti, Rodney A. Collier, Ervin J. Collier, Wade. Collins, Bernard J. Collins, Bruce J Jr. Collins, Donald. Collins, Earline. Collins, Eddie F Jr. Collins, Jack.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Collins, Jack. Collins, Julius. Collins, Lawson Bruce Sr. Collins, Lindy S Jr. Collins, Logan A Jr. Collins, Robert. Collins, Timmy P. Collins, Vendon Jr. Collins, Wilbert Jr. Collins, Woodrow. Colson, Chris and Michelle. Comardelle, Michael J. Comeaux, Allen J. Compeaux, Curtis J. Compeaux, Gary P. Compeaux, Harris. Cone, Jody. Contreras, Mario. Cook, Edwin A Jr. Cook, Edwin A Sr. Cook, Joshua. Cook, Larry R Sr. Cook, Scott. Cook, Theodore D. Cooksey, Ernest Neal. Cooper, Acy J III. Cooper, Acy J Jr. Cooper, Acy Sr. Cooper, Christopher W. Cooper, Jon C. Cooper, Marla F. Cooper, Vincent J. Copeman, John R. Corley, Ronald E. Cornett, Eddie. Cornwall, Roger. Cortez, Brenda M. Cortez, Cathy. Cortez, Curtis. Cortez, Daniel P. Cortez, Edgar. Cortez, Keith J. Cortez, Leslie J. Cosse, Robert K. Coston, Clayton. Cotsovolos, John Gordon. Coulon, Allen J Jr. Coulon, Allen J Sr. Coulon, Amy M. Coulon, Cleveland F. Coulon, Darrin M. Coulon, Don. Coulon, Earline N. Coulon, Ellis Jr. Coursey, John W. Courville, Ronnie P. Cover, Darryl L. Cowdrey, Michael Dudley. Cowdrey, Michael Nelson. Crain, Michael T. Crawford, Bryan D. Crawford, Steven J. Creamer, Quention. Credeur, Todd A Sr. Credeur, Tony J. Creppel, Carlton. Creppel, Catherine. Creppel, Craig Anthony. Creppel, Freddy. Creppel, Isadore Jr. Creppel, Julinne G III. Creppel, Kenneth. Creppel, Kenneth.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Creppel, Nathan J Jr. Creppell, Michel P. Cristina, Charles J. Crochet, Sterling James. Crochet, Tony J. Crosby, Benjy J. Crosby, Darlene. Crosby, Leonard W Jr. Crosby, Ted J. Crosby, Thomas. Crum, Lonnie. Crum, Tommy Lloyd. Cruz, Jesus. Cubbage, Melinda T. Cuccia, Anthony J. Cuccia, Anthony J Jr. Cuccia, Kevin. Cumbie, Bryan E. Cure, Mike. Curole, Keith J. Curole, Kevin P. Curole, Margaret B. Curole, Willie P Jr. Cutrer, Jason C. Cvitanovich, T. Daigle, Alfred. Daigle, Cleve and Nona. Daigle, David John. Daigle, EJ. Daigle, Glenn. Daigle, Jamie J. Daigle, Jason. Daigle, Kirk. Daigle, Leonard P. Daigle, Lloyd. Daigle, Louis J. Daigle, Melanie. Daigle, Michael J. Daigle, Michael Wayne and JoAnn. Daisy, Jeff. Dale, Cleveland L. Dang, Ba. Dang, Dap. Dang, David. Dang, Duong. Dang, Khang. Dang, Khang and Tam Phan. Dang, Loan Thi. Dang, Minh. Dang, Minh Van. Dang, Son. Dang, Tao Kevin. Dang, Thang Duc. Dang, Thien Van. Dang, Thuong. Dang, Thuy. Dang, Van D. Daniels, David. Daniels, Henry. Daniels, Leslie. Danos, Albert Sr. Danos, James A. Danos, Jared. Danos, Oliver J. Danos, Ricky P. Danos, Rodney. Danos, Timothy A. d'Antignac, Debi. d'Antignac, Jack. Dantin, Archie A. Dantin, Mark S Sr. Dantin, Stephen Jr. Dao, Paul.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Dao, Vang. Dao-Nguyen, Chrysti. Darda, Albert L Jr. Darda, Gertrude. Darda, Herbert. Darda, J C. Darda, Jeremy. Darda, Tammy. Darda, Trudy. Dardar, Alvin. Dardar, Basile J. Dardar, Basile Sr. Dardar, Cindy. Dardar, David. Dardar, Donald S. Dardar, Edison J Sr. Dardar, Gayle Picou. Dardar, Gilbert B. Dardar, Gilbert Sr. Dardar, Isadore J Jr. Dardar, Jacqueline. Dardar, Jonathan M. Dardar, Lanny. Dardar, Larry J. Dardar, Many. Dardar, Neal A. Dardar, Norbert. Dardar, Patti V. Dardar, Percy B Sr. Dardar, Rose. Dardar, Rusty J. Dardar, Samuel. Dardar, Summersgill. Dardar, Terry P. Dardar, Toney M Jr. Dardar, Toney Sr. Dargis, Stephen M. Dassau, Louis. David, Philip J Jr. Davis, Cliff. Davis, Daniel A. Davis, Danny A. Davis, James. Davis, John W. Davis, Joseph D. Davis, Michael Steven. Davis, Ronald B. Davis, William T Jr. Davis, William Theron. Dawson, JT. de la Cruz, Avery T. Dean, Ilene L. Dean, John N. Dean, Stephen. DeBarge, Brian K. DeBarge, Sherry. DeBarge, Thomas W. Decoursey, John. Dedon, Walter. Deere, Daryl. Deere, David E. Deere, Dennis H. Defelice, Robin. Defelice, Tracie L. DeHart, Ashton J Sr. Dehart, Bernard J. Dehart, Blair. Dehart, Clevis. Dehart, Clevis Jr. DeHart, Curtis P Sr. Dehart, Eura Sr. Dehart, Ferrell John. Dehart, Leonard M.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			DeHart, Troy. DeJean, Chris N Jr. DeJean, Chris N Sr. Dekemel, Bonnie D. Dekemel, Wm J Jr. Delande, Paul. Delande, Ten Chie. Delatte, Michael J Sr. Delaune, Kip M. Delaune, Thomas J. Delaune, Todd J. Delcambre, Carroll A. Delgado, Jesse. Delino, Carlton. Delino, Lorene. Deloach, Stephen W Jr. DeMoll, Herman J Jr. DeMoll, Herman J Sr. DeMoll, James C Jr. DeMoll, Ralph. DeMoll, Robert C. DeMoll, Terry R. DeMolle, Freddy. DeMolle, Otis. Dennis, Fred. Denty, Steve. Deroche, Barbara H. Derouen, Caghe. Deshotel, Rodney. DeSilvey, David. Despaux, Byron J. Despaux, Byron J Jr. Despaux, Glen A. Despaux, Ken. Despaux, Kerry. Despaux, Suzanna. Detillier, David E. DeVaney, Bobby C Jr. Dickey, Wesley Frank. Diep, Vu. Dinger, Anita. Dinger, Corbert Sr. Dinger, Eric. Dingler, Mark H. Dinh, Chau Thanh. Dinh, Khai Duc. Dinh, Lien. Dinh, Toan. Dinh, Vincent. Dion, Ernest. Dion, Paul A. Dion, Thomas Autry. Disalvo, Paul A. Dismuke, Robert E Sr. Ditcharo, Dominick III. Dixon, David. Do, Cuong V. Do, Dan C. Do, Dung V. Do, Hai Van. Do, Hieu. Do, Hung V. Do, Hung V. Do, Johnny. Do, Kiet Van. Do, Ky Hong. Do, Ky Quoc. Do, Lam. Do, Liet Van. Do, Luong Van. Do, Minh Van. Do, Nghiep Van. Do, Ta.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Do, Ta Phon. Do, Than Viet. Do, Thanh V. Do, Theo Van. Do, Thien Van. Do, Tinh A. Do, Tri. Do, Vi V. Doan, Anh Thi. Doan, Joseph. Doan, Mai. Doan, Minh. Doan, Ngoc. Doan, Tran Van. Domangue, Darryl. Domangue, Emile. Domangue, Mary. Domangue, Michael. Domangue, Paul. Domangue, Ranzell Sr. Domangue, Stephen. Domangue, Westley. Domingo, Carolyn. Dominique, Amy R. Dominque, Gerald R. Donini, Ernest N. Donnelly, David C. Donohue, Holly M. Dooley, Denise F. Dopson, Craig B. Dore, Presley J. Dore, Preston J Jr. Dorr, Janthan C Jr. Doucet, Paul J Sr. Downey, Colleen. Doxey, Robert Lee Sr. Doxey, Ruben A. Doxey, William L. Doyle, John T. Drawdy, John Joseph. Drury, Bruce W Jr. Drury, Bruce W Sr. Drury, Bryant J. Drury, Eric S. Drury, Helen M. Drury, Jeff III. Drury, Kevin. Drury, Kevin S Sr. Drury, Steve R. Drury, Steven J. Dubberly, James F. Dubberly, James Michael. Dubberly, James Michael Jr. Dubberly, John J. Dubois, Euris A. Dubois, John D Jr. Dubois, Lonnie J. Duck, Kermit Paul. Dudenhefer, Anthony. Dudenhefer, Connie S. Dudenhefer, Eugene A. Dudenhefer, Milton J Jr. Duet, Brad J. Duet, Darrel A. Duet, Guy J. Duet, Jace J. Duet, Jay. Duet, John P. Duet, Larson. Duet, Ramie. Duet, Raymond J. Duet, Tammy B. Duet, Tyrone.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Dufrene, Archie. Dufrene, Charles. Dufrene, Curt F. Dufrene, Elson A. Dufrene, Eric F. Dufrene, Eric F Jr. Dufrene, Eric John. Dufrene, Golden J. Dufrene, Jeremy M. Dufrene, Juliette B. Dufrene, Leroy J. Dufrene, Milton J. Dufrene, Ronald A Jr. Dufrene, Ronald A Sr. Dufrene, Scottie M. Dufrene, Toby. Dugar, Edward A II. Dugas, Donald John. Dugas, Henri J IV. Duhe, Greta. Duhe, Robert. Duhon, Charles. Duhon, Douglas P. Duncan, Faye E. Duncan, Gary. Duncan, Loyde C. Dunn, Bob. Duong, Billy. Duong, Chamroeun. Duong, EM. Duong, Ho Tan Phi. Duong, Kong. Duong, Mau. Duplantis, Blair P. Duplantis, David. Duplantis, Frankie J. Duplantis, Maria. Duplantis, Teddy W. Duplantis, Wedgir J Jr. Duplessis, Anthony James Sr. Duplessis, Bonnie S. Duplessis, Clarence R. Dupre, Brandon P. Dupre, Cecile. Dupre, David A. Dupre, Davis J Jr. Dupre, Easton J. Dupre, Jimmie Sr. Dupre, Linward P. Dupre, Mary L. Dupre, Michael J. Dupre, Michael J Jr. Dupre, Randall P. Dupre, Richard A. Dupre, Rudy P. Dupre, Ryan A. Dupre, Tony J. Dupre, Troy A. Dupree, Bryan. Dupree, Derrick. Dupree, Malcolm J Sr. Dupuis, Clayton J. Durand, Walter Y. Dusang, Melvin A. Duval, Denval H Sr. Duval, Wayne. Dyer, Nadine D. Dyer, Tony. Dykes, Bert L. Dyson, Adley L Jr. Dyson, Adley L Sr. Dyson, Amy. Dyson, Casandra.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Dyson, Clarence III. Dyson, Jimmy Jr. Dyson, Jimmy L Sr. Dyson, Kathleen. Dyson, Maricela. Dyson, Phillip II. Dyson, Phillip Sr. Dyson, William. Eckerd, Bill. Edens, Angela Blake. Edens, Donnie. Edens, Jeremy Donald. Edens, Nancy M. Edens, Steven L. Edens, Timothy Dale. Edgar, Daniel. Edgar, Joey. Edgerson, Roosevelt. Edwards,Tommy W III. Ellerbee, Jody Duane. Ellison, David Jr. Encalade, Alfred Jr. Encalade, Anthony T. Encalade, Cary. Encalade, Joshua C. Encalade, Stanley A. Enclade, Joseph L. Enclade, Michael Sr and Jeannie Pitre. Enclade, Rodney J. Englade, Alfred. Ennis, A L Jr. Erickson, Grant G. Erlinger, Carroll. Erlinger, Gary R. Eschete, Keith A. Esfeller, Benny A. Eskine, Kenneth. Esponge, Ernest J. Estaves, David Sr. Estaves, Ricky Joseph. Estay, Allen J. Estay, Wayne. Esteves, Anthony E Jr. Estrada, Orestes. Evans, Emile J Jr. Evans, Kevin J. Evans, Lester. Evans, Lester J Jr. Evans, Tracey J Sr. Everson, George C. Eymard, Brian P Sr. Eymard, Jervis J and Carolyn B. Fabiano, Morris C. Fabra, Mark. Fabre, Alton Jr. Fabre, Ernest J. Fabre, Kelly V. Fabre, Peggy B. Fabre, Sheron. Fabre, Terry A. Fabre, Wayne M. Falcon, Mitchell J. Falgout, Barney. Falgout, Jerry P. Falgout, Leroy J. Falgout, Timothy J. Fanguy, Barry G. Fanning, Paul Jr. Farris, Thomas J. Fasone, Christopher J. Fasone, William J. Faulk, Lester J. Favaloro, Thomas J.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Favre, Michael Jr. Fazende, Jeffery. Fazende, Thomas. Fazende, Thomas G. Fazzio, Anthony. Fazzio, Douglas P. Fazzio, Maxine J. Fazzio, Steve. Felarise, EJ. Felarise, Wayne A Sr. Fernandez, John. Fernandez, Laudelino. Ferrara, Audrey B. Ficarino, Dominick Jr. Fields, Bryan. Fillinich, Anthony. Fillinich, Anthony Sr. Fillinich, Jack. Fincher, Penny. Fincher, William. Fisch, Burton E. Fisher, Kelly. Fisher, Kirk. Fisher, Kirk A. Fitch, Adam. Fitch, Clarence J Jr. Fitch, Hanson. Fitzgerald, Burnell. Fitzgerald, Kirk. Fitzgerald, Kirk D. Fitzgerald, Ricky J Jr. Fleming, John M. Fleming, Meigs F. Fleming, Mike. Flick, Dana. Flores, Helena D. Flores, Thomas. Flowers, Steve W. Flowers, Vincent F. Folse, David M. Folse, Heath. Folse, Mary L. Folse, Ronald B. Fonseca, Francis Sr. Fontaine, William S. Fontenot, Peggy D. Ford, Judy. Ford, Warren Wayne. Foreman, Ralph Jr. Foret, Alva J. Foret, Billy J. Foret, Brent J. Foret, Glenn. Foret, Houston. Foret, Jackie P. Foret, Kurt J Sr. Foret, Lovelace A Sr. Foret, Loveless A Jr. Foret, Mark M. Foret, Patricia C. Forrest, David P. Forsyth, Hunter. Forsythe, John. Fortune, Michael A. France, George J. Francis, Albert. Franklin, James K. Frankovich, Anthony. Franks, Michael. Frauenberger, Richard Wayne. Frazier, David J. Frazier, David M. Frazier, James.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Frazier, Michael. Frederick, Davis. Frederick, Johnnie and Jeannie. Fredrick, Michael. Freeman, Arthur D. Freeman, Darrel P Sr. Freeman, Kenneth F. Freeman, Larry Scott. Frelich, Charles P. Frelich, Floyd J. Frelich, Kent. Frerics, Doug. Frerks, Albert R Jr. Frickey, Darell. Frickey, Darren. Frickey, Dirk I. Frickey, Eric J. Frickey, Harry J Jr. Frickey, Jimmy. Frickey, Rickey J. Frickey, Westley J. Friloux, Brad. Frisella, Jeanette M. Frisella, Jerome A Jr. Frost, Michael R. Fruge, Wade P. Gadson, James. Gaines, Dwayne. Gala, Christine. Galjour, Jess J. Galjour, Reed. Gallardo, John W. Gallardo, Johnny M. Galliano, Anthony. Galliano, Horace J. Galliano, Joseph Sr. Galliano, Logan J. Galliano, Lynne L. Galliano, Moise Jr. Galloway, AT Jr. Galloway, Jimmy D. Galloway, Judy L. Galloway, Mark D. Galt, Giles F. Gambarella, Luvencie J. Ganoi, Kristine. Garcia, Ana Maria. Garcia, Anthony. Garcia, Edward. Garcia, Kenneth. Garner, Larry S. Gary, Dalton J. Gary, Ernest J. Gary, Leonce Jr. Garza, Andres. Garza, Jose H. Gaskill, Elbert Clinton and Sandra. Gaspar, Timothy. Gaspard, Aaron and Hazel C. Gaspard, Dudley A Jr. Gaspard, Leonard J. Gaspard, Michael A. Gaspard, Michael Sr. Gaspard, Murry. Gaspard, Murry A Jr. Gaspard, Murry Sr. Gaspard, Murvin. Gaspard, Ronald Sr. Gaspard, Ronald Wayne Jr. Gaubert, Elizabeth. Gaubert, Gregory M. Gaubert, Melvin. Gaudet, Allen J IV.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Gaudet, Ricky Jr. Gauthier, Hewitt J Sr. Gautreaux, William A. Gay, Norman F. Gay, Robert G. Gazzier, Daryl G. Gazzier, Emanuel A. Gazzier, Wilfred E. Gegenheimer, William F. Geiling, James. Geisman, Tony. Gentry, Robert. Gentry, Samuel W Jr. George, James J Jr. Gerica, Clara. Gerica, Peter. Giambrone, Corey P. Gibson, Eddie E. Gibson, Joseph. Gibson, Ronald F. Gilden, Eddie Jr. Gilden, Eddie Sr. Gilden, Inez W. Gilden, Wayne. Gillikin, James D. Girard, Chad Paul. Giroir, Mark S. Gisclair, Anthony J. Gisclair, Anthony Joseph Sr. Gisclair, August. Gisclair, Dallas J Sr. Gisclair, Doyle A. Gisclair, Kip J. Gisclair, Ramona D. Gisclair, Wade. Gisclair, Walter. Glover, Charles D. Glynn, Larry. Goetz, George. Goings, Robert Eugene. Golden, George T. Golden, William L. Gollot, Brian. Gollot, Edgar R. Gonzales, Arnold Jr. Gonzales, Mrs Cyril E Jr. Gonzales, Rene R. Gonzales, Rudolph S Jr. Gonzales, Rudolph S Sr. Gonzales, Sylvia A. Gonzales, Tim J. Gonzalez, Jorge Jr. Gonzalez, Julio. Gordon, Donald E. Gordon, Patrick Alvin. Gore, Henry H. Gore, Isabel. Gore, Pam. Gore, Thomas L. Gore, Timothy Ansel. Gottschalk, Gregory. Gourgues, Harold C Jr. Goutierrez, Tony C. Govea, Joaquin. Graham, Darrell. Graham, Steven H. Granger, Albert J Sr. Granich, James. Granier, Stephen J. Grass, Michael. Graves, Robert N Sr. Gray, Jeannette. Gray, Monroe.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Gray, Shirley E. Gray, Wayne A Sr. Graybill, Ruston. Green, Craig X. Green, James W. Green, James W Jr. Green, Shaun. Greenlaw, W C Jr. Gregoire, Ernest L. Gregoire, Rita M. Gregory, Curtis B. Gregory, Mercedes E. Grice, Raymond L Jr. Griffin, Alden J Sr. Griffin, Craig. Griffin, David D. Griffin, Elvis Joseph Jr. Griffin, Faye. Griffin, Faye Ann. Griffin, Jimmie J. Griffin, Nolty J. Griffin, Rickey. Griffin, Sharon. Griffin, Timothy. Griffin, Troy D. Groff, Alfred A. Groff, John A. Groover, Hank. Gros, Brent J Sr. Gros, Craig J. Gros, Danny A. Gros, Gary Sr. Gros, Junius A Jr. Gros, Keven. Gros, Michael A. Gross, Homer. Grossie, Janet M. Grossie, Shane A. Grossie, Tate. Grow, Jimmie C. Guenther, John J. Guenther, Raphael. Guerra, Bruce. Guerra, Chad L. Guerra, Fabian C. Guerra, Guy A. Guerra, Jerry V Sr. Guerra, Kurt P Sr. Guerra, Ricky J Sr. Guerra, Robert. Guerra, Ryan. Guerra, Troy A. Guerra, William Jr. Guidroz, Warren J. Guidry, Alvin A. Guidry, Andy J. Guidry, Arthur. Guidry, Bud. Guidry, Calvin P. Guidry, Carl J. Guidry, Charles J. Guidry, Chris J. Guidry, Clarence P. Guidry, Clark. Guidry, Clint. Guidry, Clinton P Jr. Guidry, Clyde A. Guidry, David. Guidry, Dobie. Guidry, Douglas J Sr. Guidry, Elgy III. Guidry, Elgy Jr. Guidry, Elwin A Jr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Guidry, Gerald A. Guidry, Gordon Jr. Guidry, Guillaume A. Guidry, Harold. Guidry, Jason. Guidry, Jessie J. Guidry, Jessie Joseph. Guidry, Jonathan B. Guidry, Joseph T Jr. Guidry, Keith M. Guidry, Kenneth J. Guidry, Kerry A. Guidry, Marco. Guidry, Maurin T and Tamika. Guidry, Michael J. Guidry, Nolan J Sr. Guidry, Randy Peter Sr. Guidry, Rhonda S. Guidry, Robert C. Guidry, Robert Joseph. Guidry, Robert Wayne. Guidry, Roger. Guidry, Ronald. Guidry, Roy Anthony. Guidry, Roy J. Guidry, Tammy. Guidry, Ted. Guidry, Thomas P. Guidry, Timothy. Guidry, Troy. Guidry, Troy. Guidry, Ulysses. Guidry, Vicki. Guidry, Wayne J. Guidry, Wyatt. Guidry, Yvonne. Guidry-Calva, Holly A. Guilbeaux, Donald J. Guilbeaux, Lou. Guillie, Shirley. Guillory, Horace H. Guillot, Benjamin J Jr. Guillot, Rickey A. Gulledge, Lee. Gutierrez, Anita. Guy, Jody. Guy, Kimothy Paul. Guy, Wilson. Ha, Cherie Lan. Ha, Co Dong. Ha, Lai Thuy Thi. Ha, Lyanna. Hadwall, John R. Hafford, Johnny. Hagan, Jules. Hagan, Marianna. Haiglea, Robbin Richard. Hales, William E. Halili, Rhonda L. Hall, Byron S. Hall, Darrel T Sr. Hall, Lorrie A. Hammer, Michael P. Hammock, Julius Michael. Hancock, Jimmy L. Handlin, William Sr. Hang, Cam T. Hansen, Chris. Hansen, Eric P. Hanson, Edmond A. Harbison, Louis. Hardee, William P. Hardison, Louis.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Hardy John C. Hardy, Sharon. Harmon, Michelle. Harrington, George J. Harrington, Jay. Harris, Bobby D. Harris, Buster. Harris, Jimmy Wayne Sr. Harris, Johnny Ray. Harris, Kenneth A. Harris, Ronnie. Harris, Susan D. Harris, William. Harrison, Daniel L. Hartmann, Leon M Jr. Hartmann, Walter Jr. Hattaway, Errol Henry. Haycock, Kenneth. Haydel, Gregory. Hayes, Clinton. Hayes, Katherine F. Hayes, Lod Jr. Hean, Hong. Heathcock, Walter Jr. Hebert, Albert Joseph. Hebert, Bernie. Hebert, Betty Jo. Hebert, Chris. Hebert, Craig J. Hebert, David. Hebert, David Jr. Hebert, Earl J. Hebert, Eric J. Hebert, Jack M. Hebert, Johnny Paul. Hebert, Jonathan. Hebert, Jules J. Hebert, Kim M. Hebert, Lloyd S III. Hebert, Michael J. Hebert, Myron A. Hebert, Norman. Hebert, Patrick. Hebert, Patrick A. Hebert, Pennington Jr. Hebert, Philip. Hebert, Robert A. Hebert, Terry W. Hedrick, Gerald J Jr. Helmer, Claudia A. Helmer, Gerry J. Helmer, Herman C Jr. Helmer, Kenneth. Helmer, Larry J Sr. Helmer, Michael A Sr. Helmer, Rusty L. Helmer, Windy. Hemmenway, Jack. Henderson, Brad. Henderson, Curtis. Henderson, David A Jr. Henderson, David A Sr. Henderson, Johnny. Henderson, Olen. Henderson, P Loam. Henry, Joanne. Henry, Rodney. Herbert, Patrick and Terry. Hereford, Rodney O Jr. Hereford, Rodney O Sr. Hernandez, Corey. Herndon, Mark. Hertel, Charles W.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Hertz, Edward C Sr. Hess, Allen L Sr. Hess, Henry D Jr. Hess, Jessica R. Hess, Wayne B. Hewett, Emma. Hewett, James. Hickman, John. Hickman, Marvin. Hicks, Billy M. Hicks, James W. Hicks, Larry W. Hicks, Walter R. Hien, Nguyen. Higgins, Joseph J III. Hill, Darren S. Hill, Joseph R. Hill, Sharon. Hill, Willie E Jr. Hills, Herman W. Hingle, Barbara E. Hingle, Rick A. Hingle, Roland T Jr. Hingle, Roland T Sr. Hingle, Ronald J. Hinojosa, R. Hinojosa, Randy. Hinojosa, Ricky A. Hipps, Nicole Marie. Ho, Dung Tan. Ho, Hung. Ho, Jennifer. Ho, Jimmy. Ho, Lam. Ho, Nam. Ho, Nga T. Ho, O. Ho, Sang N. Ho, Thanh Quoc. Ho, Thien Dang. Ho, Tien Van. Ho, Tri Tran. Hoang, Dung T. Hoang, Hoa T and Tam Hoang. Hoang, Huy Van. Hoang, Jennifer Vu. Hoang, John. Hoang, Julie. Hoang, Kimberly. Hoang, Linda. Hoang, Loan. Hoang, San Ngoc. Hoang, Tro Van. Hoang, Trung Kim. Hoang, Trung Tuan. Hoang, Vincent Huynh. Hodges, Ralph W. Hoffpaviiz, Harry K. Holland, Vidal. Holler, Boyce Dwight Jr. Hollier, Dennis J. Holloway, Carl D. Hong, Tai Van. Hood, Malcolm. Hopton, Douglas. Horaist, Shawn P. Hostetler, Warren L II. Hotard, Claude. Hotard, Emile J Jr. Howard, Jeff. Howerin, Billy Sr. Howerin, Wendell Sr. Hubbard, Keith.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Hubbard, Perry III. Huber, Berry T. Huber, Charles A. Huck, Irma Elaine. Huck, Steven R. Huckabee, Harold. Hue, Patrick A. Hughes, Brad J. Hults, Thomas. Hutcherson, Daniel J. Hutchinson, Douglas. Hutchinson, George D. Hutchinson, William H. Hutto, Cynthia E. Hutto, Henry G Jr. Huynh, Chien Thi. Huynh, Dong Xuan. Huynh, Dung. Huynh, Dung V. Huynh, Hai. Huynh, Hai. Huynh, Hai Van. Huynh, Hoang D. Huynh, Hoang Van. Huynh, Hung. Huynh, James N. Huynh, Johhny Hiep. Huynh, Johnnie. Huynh, Kim. Huynh, Lay. Huynh, Long. Huynh, Mack Van. Huynh, Mau Van. Huynh, Minh. Huynh, Minh Van. Huynh, Nam Van. Huynh, Thai. Huynh, Tham Thi. Huynh, Thanh. Huynh, Thanh. Huynh, The V. Huynh, Tri. Huynh, Truc. Huynh, Tu. Huynh, Tu. Huynh, Tung Van. Huynh, Van X. Huynh, Viet Van. Huynh, Vuong Van. Hymel, Joseph Jr. Hymel, Michael D. Hymel, Nolan J Sr. Ingham, Herbert W. Inglis, Richard M. Ingraham, Joseph S. Ingraham, Joyce. Ipock, Billy. Ipock, William B. Ireland, Arthur Allen. Iver, George Jr. Jackson, Alfred M. Jackson, Carl John. Jackson, David. Jackson, Eugene O. Jackson, Glenn C Jr. Jackson, Glenn C Sr. Jackson, James Jerome. Jackson, John D. Jackson, John Elton Sr. Jackson, Levi. Jackson, Nancy L. Jackson, Robert W. Jackson, Shannon.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Jackson, Shaun C. Jackson, Steven A. Jacob, Ronald R. Jacob, Warren J Jr. Jacobs, L Anthony. Jacobs, Lawrence F. Jarreau, Billy and Marilyn. Jarvis, James D. Jaye, Emma. Jeanfreau, Vincent R. Jefferies, William. Jemison, Timothy Michael Sr. Jennings, Jacob. Joffrion, Harold J Jr. Johnson, Albert F. Johnson, Ashley Lamar. Johnson, Bernard Jr. Johnson, Brent W. Johnson, Bruce Warem. Johnson, Carl S. Johnson, Carolyn. Johnson, Clyde Sr. Johnson, David G. Johnson, David Paul. Johnson, Gary Allen Sr. Johnson, George D. Johnson, Michael A. Johnson, Randy J. Johnson, Regenia. Johnson, Robert. Johnson, Ronald Ray Sr. Johnson, Steve. Johnson, Thomas Allen Jr. Johnston, Ronald. Joly, Nicholas J Jr. Jones, Charles. Jones, Clinton. Jones, Daisy Mae. Jones, Jeffery E. Jones, Jerome N Sr. Jones, John W. Jones, Larry. Jones, Len. Jones, Michael G Sr. Jones, Paul E. Jones, Perry T Sr. Jones, Ralph William. Jones, Richard G Sr. Jones, Stephen K. Jones, Wayne. Joost, Donald F. Jordan, Dean. Jordan, Hubert William III (Bert). Jordan, Hurbert W Jr. Judalet, Ramon G. Judy, William Roger. Julian, Ida. Julian, John I Sr. Juneau, Anthony Sr. Juneau, Bruce. Juneau, Robert A Jr and Laura K. Jurjevich, Leander J. Kain, Jules B Sr. Kain, Martin A. Kalliainen, Dale. Kalliainen, Richard. Kang, Chamroeun. Kang, Sambo. Kap, Brenda. Keen, Robert Steven. Keenan, Robert M. Kellum, Kenneth Sr. Kellum, Larry Gray Sr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Kellum, Roxanne. Kelly, Roger B. Kelly, Thomas E. Kendrick, Chuck J. Kennair, Michael S. Kennedy, Dothan. Kenney, David Jr. Kenney, Robert W. Kent, Michael A. Keo, Bunly. Kerchner, Steve. Kern, Thurmond. Khin, Sochenda. Khui, Lep and Nga Ho. Kidd, Frank. Kiesel, Edward C and Lorraine T. Kiff, Hank J. Kiff, Melvin. Kiffe, Horace. Kim, Puch. Kimbrough, Carson. Kim-Tun, Soeun. King, Andy A. King, Donald Jr. King, James B. King, Thornell. King, Wesley. Kit, An. Kizer, Anthony J. Kleimann, Robert. Knapp, Alton P Jr. Knapp, Alton P Sr. Knapp, Ellis L Jr. Knapp, Melvin L. Knapp, Theresa. Knecht, Frederick Jr. Knezek, Lee. Knight, George. Knight, Keith B. Knight, Robert E. Koch, Howard J. Kong, Seng. Konitz, Bobby. Koo, Herman. Koonce, Curtis S. Koonce, Howard N. Kopszywa, Mark L. Kopszywa, Stanley J. Kotulja, Stejepan. Kraemer, Bridget. Kraemer, Wilbert J. Kraemer, Wilbert Jr. Kramer, David. Krantz, Arthur Jr. Krantz, Lori. Kraver, C W. Kreger, Ronald A Sr. Kreger, Roy J Sr. Kreger, Ryan A. Krennerich, Raymond A. Kroke, Stephen E. Kruth, Frank D. Kuchler, Alphonse L III. Kuhn, Bruce A Sr. Kuhn, Gerard R Jr. Kuhn, Gerard R Sr. Kuhns, Deborah. LaBauve, Kerry. LaBauve, Sabrina. LaBauve, Terry. LaBiche, Todd A. LaBove, Carroll. LaBove, Frederick P.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Lachica, Jacqueline. Lachico, Douglas. Lacobon, Tommy W Jr. Lacobon, Tony C. LaCoste, Broddie. LaCoste, Carl. LaCoste, Dennis E. LaCoste, Grayland J. LaCoste, Malcolm Jr. LaCoste, Melvin. LaCoste, Melvin W Jr. LaCoste, Ravin J Jr. LaCoste, Ravin Sr. Ladner, Clarence J III. Ladson, Earlene G. LaFont, Douglas A Sr. LaFont, Edna S. LaFont, Jackin. LaFont, Noces J Jr. LaFont, Weyland J Sr. LaFrance, Joseph T. Lagarde, Frank N. Lagarde, Gary Paul. Lagasse, Michael F. Lai, Hen K. Lai, Then. Lam, Cang Van. Lam, Cui. Lam, Dong Van. Lam, Hiep Tan. Lam, Lan Van. Lam, Lee Phenh. Lam, Phan. Lam, Qui. Lam, Sochen. Lam, Tai. Lam, Tinh Huu. Lambas, Jessie J Sr. Lanclos, Paul. Landry, David A. Landry, Dennis J. Landry, Edward N Jr. Landry, George. Landry, George M. Landry, James F. Landry, Jude C. Landry, Robert E. Landry, Ronald J. Landry, Samuel J Jr. Landry, Tracy. Lane, Daniel E. Lapeyrouse, Lance M. Lapeyrouse, Rosalie. Lapeyrouse, Tillman Joseph. LaRive, James L Jr. LaRoche, Daniel S. Lasseigne, Betty. Lasseigne, Blake. Lasseigne, Floyd. Lasseigne, Frank. Lasseigne, Harris Jr. Lasseigne, Ivy Jr. Lasseigne, Jefferson. Lasseigne, Jefferson P Jr. Lasseigne, Johnny J. Lasseigne, Marlene. Lasseigne, Nolan J. Lasseigne, Trent. Lat, Chhiet. Latapie, Charlotte A. Latapie, Crystal. Latapie, Jerry. Latapie, Joey G.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Latapie, Joseph. Latapie, Joseph F Sr. Latapie, Travis. Latiolais, Craig J. Latiolais, Joel. Lau, Ho Thanh. Laughlin, James G. Laughlin, James Mitchell. Laurent, Yvonne M. Lavergne, Roger. Lawdros, Terrance Jr. Layrisson, Michael A III. Le, Amanda. Le, An Van. Le, Ben. Le, Binh T. Le, Cheo Van. Le, Chinh Thanh. Le, Chinh Thanh and Yen Vo. Le, Cu Thi. Le, Dai M. Le, Dale. Le, David Rung. Le, Du M. Le, Duc V. Le, Duoc M. Le, Hien V. Le, Houston T. Le, Hung. Le, Jimmy. Le, Jimmy and Hoang. Le, Khoa. Le, Kim. Le, Ky Van. Le, Lang Van. Le, Lily. Le, Lisa Tuyet Thi. Le, Loi. Le, Minh Van. Le, Muoi Van. Le, My. Le, My V. Le, Nam and Xhan-Minh Le. Le, Nam Van. Le, Nhieu T. Le, Nhut Hoang. Le, Nu Thi. Le, Phuc Van. Le, Que V. Le, Quy. Le, Robert. Le, Sam Van. Le, Sau V. Le, Son. Le, Son. Le, Son H. Le, Son Quoc. Le, Son Van. Le, Su. Le, Tam V. Le, Thanh Huong. Le, Tong Minh. Le, Tony. Le, Tracy Lan Chi. Le, Tuan Nhu. Le, Viet Hoang. Le, Vui. Leaf, Andrew Scott. Leary, Roland. LeBeauf, Thomas. LeBlanc, Donnie. LeBlanc, Edwin J. LeBlanc, Enoch P.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			LeBlanc, Gareth R III. LeBlanc, Gareth R Jr. LeBlanc, Gerald E. LeBlanc, Hubert C. LeBlanc, Jerald. LeBlanc, Jesse Jr. LeBlanc, Keenon Anthony. LeBlanc, Lanvin J. LeBlanc, Luke A. LeBlanc, Marty J. LeBlanc, Marty J Jr. LeBlanc, Mickel J. LeBlanc, Robert Patrick. LeBlanc, Scotty M. LeBlanc, Shelton. LeBlanc, Terry J. LeBoeuf, Brent J. LeBoeuf, Emery J. LeBoeuf, Joseph R. LeBoeuf, Tammy Y. LeBouef, Dale. LeBouef, Edward J. LeBouef, Ellis J Jr. LeBouef, Gillis. LeBouef, Jimmie. LeBouef, Leslie. LeBouef, Lindy J. LeBouef, Micheal J. LeBouef, Raymond. LeBouef, Tommy J. LeBouef, Wiley Sr. LeBourgeois, Stephen A. LeCompte, Alena. LeCompte, Aubrey J. LeCompte, Etha. LeCompte, Jesse C Jr. LeCompte, Jesse Jr. LeCompte, Jesse Sr. LeCompte, Lyle. LeCompte, Patricia F. LeCompte, Todd. LeCompte, Troy A Sr. Ledet, Brad. Ledet, Bryan. Ledet, Carlton. Ledet, Charles J. Ledet, Jack A. Ledet, Kenneth A. Ledet, Mark. Ledet, Maxine B. Ledet, Mervin. Ledet, Phillip John. Ledoux, Dennis. Ledwig, Joe J. Lee, Carl. Lee, James K. Lee, Marilyn. Lee, Otis M Jr. Lee, Raymond C. Lee, Robert E. Lee, Steven J. Leek, Mark A. LeGaux, Roy J Jr. Legendre, Kerry. Legendre, Paul. Leger, Andre. LeGros, Alex M. LeJeune, Philip Jr. LeJeune, Philip Sr. LeJeune, Ramona V. LeJeunee, Debbie. LeJuine, Eddie R. LeLand, Allston Bochet.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Leland, Rutledge B III. Leland, Rutledge B Jr. LeLeaux, David. Leleux, Kevin J. Lemoine, Jeffery Jr. Leonard, Dan. Leonard, Dexter J Jr. Leonard, Micheal A. Lepine, Leroy L. Lesso, Rudy Jr. Lester, Shawn. Levron, Dale T. Levy, Patrick T. Lewis, Kenneth. Lewis, Mark Steven. Libersat, Anthony R. Libersat, Kim. Licatino, Daniel Jr. Lichenstein, Donald L. Lilley, Douglas P. Lim, Chhay. Lim, Koung. Lim, Tav Seng. Linden, Eric L. Liner, Claude J Jr. Liner, Harold. Liner, Jerry. Liner, Kevin. Liner, Michael B Sr. Liner, Morris T Jr. Liner, Morris T Sr. Liner, Tandy M. Linh, Pham. Linwood, Dolby. Lirette, Alex J Sr. Lirette, Bobby and Sheri. Lirette, Chester Patrick. Lirette, Daniel J. Lirette, Dean J. Lirette, Delvin J Jr. Lirette, Delvin Jr. Lirette, Desaire J. Lirette, Eugis P Sr. Lirette, Guy A. Lirette, Jeannie. Lirette, Kern A. Lirette, Ron C. Lirette, Russell (Chico) Jr. Lirette, Shaun Patrick. Lirette, Terry J Sr. Little, William A. Little, William Boyd. Liv, Niem S. Livaudais, Ernest J. Liverman, Harry R. LoBue, Michael Anthony Sr. Locascio, Dustin. Lockhart, William T. Lodrigue, Jimmy A. Lodrigue, Kerry. Lombardo, Joseph P. Lombas, James A Jr. Lombas, Kim D. Londrie, Harley. Long, Cao Thanh. Long, Dinh. Long, Robert. Longo, Ronald S Jr. Longwater, Ryan Heath. Loomer, Rhonda. Lopez, Celestino. Lopez, Evelio. Lopez, Harry N.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Lopez, Ron. Lopez, Scott. Lopez, Stephen R Jr. Lord, Michael E Sr. Loupe, George Jr. Loupe, Ted. Lovell, Billy. Lovell, Bobby Jason. Lovell, Bradford John. Lovell, Charles J Jr. Lovell, Clayton. Lovell, Douglas P. Lovell, Jacob G. Lovell, Lois. Lovell, Slade M. Luke, Bernadette C. Luke, David. Luke, Dustan. Luke, Henry. Luke, Jeremy Paul. Luke, Keith J. Luke, Patrick A. Luke, Patrick J. Luke, Paul Leroy. Luke, Rudolph J. Luke, Samantha. Luke, Sidney Jr. Luke, Terry Patrick Jr. Luke, Terry Patrick Sr. Luke, Timothy. Luke, Wiltz J. Lund, Ora G. Luneau, Ferrell J. Luong, Kevin. Luong, Thu X. Luscy, Lydia. Luscy, Richard. Lutz, William A. Luu, Binh. Luu, Vinh. Luu, Vinh V. Ly, Bui. Ly, Hen. Ly, Hoc. Ly, Kelly D. Ly, Nu. Ly, Sa. Ly, Ven. Lyall, Rosalie. Lycett, James A. Lyons, Berton J. Lyons, Berton J Sr. Lyons, Jack. Lyons, Jerome M. Mackey, Marvin Sr. Mackie, Kevin L. Maggio, Wayne A. Magwood, Edwin Wayne. Mai, Danny V. Mai, Lang V. Mai, Tai. Mai, Trach Xuan. Maise, Rubin J. Maise, Todd. Majoue, Ernest J. Majoue, Nathan L. Malcombe, David. Mallett, Irvin Ray. Mallett, Jimmie. Mallett, Lawrence J. Mallett, Mervin B. Mallett, Rainbow. Mallett, Stephney.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Malley, Ned F Jr. Mamolo, Charles H Sr. Mamolo, Romeo C Jr. Mamolo, Terry A. Mancera, Jesus. Manuel, Joseph R. Manuel, Shon. Mao, Chandarasy. Mao, Kim. Marcel, Michelle. Marchese, Joe Jr. Mareno, Ansley. Mareno, Brent J. Mareno, Kenneth L. Marie, Allen J. Marie, Marty. Marmande, Al. Marmande, Alidore. Marmande, Denise. Marquize, Heather. Marquize, Kip. Marris, Roy C Jr. Martin, Darren. Martin, Dean J. Martin, Dennis. Martin, Jody W. Martin, John F III. Martin, Michael A. Martin, Nora S. Martin, Rod J. Martin, Roland J Jr. Martin, Russel J Sr. Martin, Sharon J. Martin, Tanna G. Martin, Wendy. Martinez, Carl R. Martinez, Henry. Martinez, Henry Joseph. Martinez, Lupe. Martinez, Michael. Martinez, Rene J. Mason, James F Jr. Mason, Johnnie W. Mason, Luther. Mason, Mary Lois. Mason, Percy D Jr. Mason, Walter. Matherne, Anthony. Matherne, Blakland Sr. Matherne, Bradley J. Matherne, Claude I Jr. Matherne, Clifford P. Matherne, Curlis J. Matherne, Forest J. Matherne, George J. Matherne, Glenn A. Matherne, Grace L. Matherne, James C. Matherne, James J Jr. Matherne, James J Sr. Matherne, Joey A. Matherne, Keith. Matherne, Larry Jr. Matherne, Louis M Sr. Matherne, Louis Michael. Matherne, Nelson. Matherne, Thomas G. Matherne, Thomas G Jr. Matherne, Thomas Jr. Matherne, Thomas M Sr. Matherne, Wesley J. Mathews, Patrick. Mathurne, Barry.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Matte, Martin J Sr. Mauldin, Johnny. Mauldin, Mary. Mauldin, Shannon. Mavar, Mark D. Mayeux, Lonies A Jr. Mayeux, Roselyn P. Mayfield, Gary. Mayfield, Henry A Jr. Mayfield, James J III. Mayon, Allen J. Mayon, Wayne Sr. McAnespy, Henry. McAnespy, Louis. McCall, Marcus H. McCall, R Terry Sr. McCarthy, Carliss. McCarthy, Michael. McCauley, Byron Keith. McCauley, Katrina. McClantoc, Robert R and Debra. McClellan, Eugene Gardner. McCormick, Len. McCuiston, Denny Carlton. McDonald, Allan. McElroy, Harry J. McFarlain, Merlin J Jr. McGuinn, Dennis. McIntosh, James Richard. McIntyre, Michael D. McIver, John H Jr. McKendree, Roy. McKenzie, George B. McKinzie, Bobby E. McKoin, Robert. McKoin, Robert F Jr. McLendon, Jonathon S. McNab, Robert Jr. McQuaig, Don W. McQuaig, Oliver J. Medine, David P. Mehaffey, John P. Melancon, Brent K. Melancon, Neva. Melancon, Rickey. Melancon, Roland Jr. Melancon, Roland T Jr. Melancon, Sean P. Melancon, Terral J. Melancon, Timmy J. Melanson, Ozimea J III. Melerine, Angela. Melerine, Brandon T. Melerine, Claude A. Melerine, Claude A Jr. Melerine, Dean J. Melerine, Eric W Jr. Melerine, John D Sr. Melerine, Linda C. Melerine, Raymond Joseph. Melford, Daniel W Sr. Mello, Nelvin. Men, Sophin. Menendez, Wade E. Menesses, Dennis. Menesses, James H. Menesses, Jimmy. Menesses, Louis. Menge, Lionel A. Menge, Vincent J. Mercy, Dempsey. Merrick, Harold A. Merrick, Kevin Sr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Merritt, Darren Sr. Messer, Chase. Meyers, Otis J. Miarm, Soeum. Michel, Steven D. Middleton, Dan Sr. Migues, Henry. Migues, Kevin L Sr. Milam, Ricky. Miles, Ricky David. Miley, Donna J. Militello, Joseph. Miller, David W. Miller, Fletcher N. Miller, James A. Miller, Larry B. Miller, Mabry Allen Jr. Miller, Michael E. Miller, Michele K. Miller, Randy A. Miller, Rhonda E. Miller, Wayne. Millet, Leon B. Millington, Donnie. Millington, Ronnie. Millis, Moses. Millis, Raeford. Millis, Timmie Lee. Mine, Derrick. Miner, Peter G. Minh, Kha. Minh, Phuc-Truong. Mitchell, Ricky Allen. Mitchell, Todd. Mitchum, Francis Craig. Mixon, G C. Mobley, Bryan A. Mobley, Jimmy Sr. Mobley, Robertson. Mock, Frank Sr. Mock, Frankie E Jr. Mock, Jesse R II. Mock, Terry Lyn. Molero, Louis F III. Molero, Louis Frank. Molinere, Al L. Molinere, Floyd. Molinere, Roland Jr. Molinere, Stacey. Moll, Angela. Moll, Jerry J Jr. Moll, Jonathan P. Moll, Julius J. Moll, Randall Jr. Mollere, Randall. Mones, Philip J Jr. Mones, Tino. Moody, Guy D. Moore, Carl Stephen. Moore, Curtis L. Moore, Kenneth. Moore, Richard. Moore, Willis. Morales, Anthony. Morales, Clinton A. Morales, Daniel Jr. Morales, Daniel Sr. Morales, David. Morales, Elwood J Jr. Morales, Eugene J Jr. Morales, Eugene J Sr. Morales, Kimberly. Morales, Leonard L.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Morales, Phil J Jr. Morales, Raul. Moran, Scott. Moreau, Allen Joseph. Moreau, Berlin J Sr. Moreau, Daniel R. Moreau, Hubert J. Moreau, Mary. Moreau, Rickey J Sr. Morehead, Arthur B Jr. Moreno, Ansley. Morgan, Harold R. Morici, John. Morris, Herbert Eugene. Morris, Jesse A. Morris, Jesse A Sr. Morris, Preston. Morrison, Stephen D Jr. Morton, Robert A. Morvant, Keith M. Morvant, Patsy Lishman. Moschettieri, Chalam. Moseley, Kevin R. Motley, Michele. Mouille, William L. Mouton, Ashton J. Moveront, Timothy. Mund, Mark. Murphy, Denis R. Muth, Gary J Sr. Myers, Joseph E Jr. Na, Tran Van. Naccio, Andrew. Nacio, Lance M. Nacio, Noel. Nacio, Philocles J Sr. Naquin, Alton J. Naquin, Andrew J Sr. Naquin, Antoine Jr. Naquin, Autry James. Naquin, Bobby J and Sheila. Naquin, Bobby Jr. Naquin, Christine. Naquin, Dean J. Naquin, Donna P. Naquin, Earl. Naquin, Earl L. Naquin, Freddie. Naquin, Gerald. Naquin, Henry. Naquin, Irvin J. Naquin, Jerry Joseph Jr. Naquin, Kenneth J Jr. Naquin, Kenneth J Sr. Naquin, Linda L. Naquin, Lionel A Jr. Naquin, Mark D Jr. Naquin, Marty J Sr. Naquin, Milton H IV. Naquin, Oliver A. Naquin, Robert. Naquin, Roy A. Naquin, Vernon. Navarre, Curtis J. Navero, Floyd G Jr. Neal, Craig A. Neal, Roy J Jr. Neely, Bobby H. Nehlig, Raymond E Sr. Neil, Dean. Neil, Jacob. Neil, Julius. Neil, Robert J Jr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Neil, Tommy Sr. Nelson, Billy J Sr. Nelson, Deborah. Nelson, Elisha W. Nelson, Ernest R. Nelson, Faye. Nelson, Fred H Sr. Nelson, Gordon Kent Sr. Nelson, Gordon W III. Nelson, Gordon W Jr. Nelson, John Andrew. Nelson, William Owen Jr. Nelton, Aaron J Jr. Nelton, Steven J. Nettleton, Cody. Newell, Ronald B. Newsome, Thomas E. Newton, Paul J. Nghiem, Billy. Ngo, Chuong Van. Ngo, Duc. Ngo, Hung V. Ngo, Liem Thanh. Ngo, Maxie. Ngo, The T. Ngo, Truong Dinh. Ngo, Van Lo. Ngo, Vu Hoang. Ngoc, Lam Lam. Ngu,Thoi. Nguyen, Amy. Nguyen, An Hoang. Nguyen, Andy Dung. Nguyen, Andy T. Nguyen, Anh and Thanh D Tiet. Nguyen, Ba. Nguyen, Ba Van. Nguyen, Bac Van. Nguyen, Bao Q. Nguyen, Bay Van. Nguyen, Be. Nguyen, Be. Nguyen, Be. Nguyen, Be Em. Nguyen, Bich Thao. Nguyen, Bien V. Nguyen, Binh. Nguyen, Binh Cong. Nguyen, Binh V. Nguyen, Binh Van. Nguyen, Binh Van. Nguyen, Binh Van. Nguyen, Bui Van. Nguyen, Ca Em. Nguyen, Can. Nguyen, Can Van. Nguyen, Canh V. Nguyen, Charlie. Nguyen, Chien. Nguyen, Chien Van. Nguyen, Chin. Nguyen, Chinh Van. Nguyen, Christian. Nguyen, Chuc. Nguyen, Chung. Nguyen, Chung Van. Nguyen, Chuong Hoang. Nguyen, Chuong V. Nguyen, Chuyen. Nguyen, Coolly Dinh. Nguyen, Cuong. Nguyen, Dai. Nguyen, Dan T.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Nguyen, Dan Van. Nguyen, Dan Van. Nguyen, Dang. Nguyen, Danny. Nguyen, David. Nguyen, Day Van. Nguyen, De Van. Nguyen, Den. Nguyen, Diem. Nguyen, Dien. Nguyen, Diep. Nguyen, Dinh. Nguyen, Dinh V. Nguyen, Dong T. Nguyen, Dong Thi. Nguyen, Dong X. Nguyen, Duc. Nguyen, Duc Van. Nguyen, Dung. Nguyen, Dung Anh and Xuan Duong. Nguyen, Dung Ngoc. Nguyen, Dung Van. Nguyen, Dung Van. Nguyen, Duoc. Nguyen, Duong V. Nguyen, Duong Van. Nguyen, Duong Xuan. Nguyen, Francis N. Nguyen, Frank. Nguyen, Gary. Nguyen, Giang T. Nguyen, Giang Truong. Nguyen, Giau Van. Nguyen, Ha T. Nguyen, Ha Van. Nguyen, Hai Van. Nguyen, Hai Van. Nguyen, Han Van. Nguyen, Han Van. Nguyen, Hang. Nguyen, Hanh T. Nguyen, Hao Van. Nguyen, Harry H. Nguyen, Henri Hiep. Nguyen, Henry-Trang. Nguyen, Hien. Nguyen, Hien V. Nguyen, Hiep. Nguyen, Ho. Nguyen, Ho V. Nguyen, Hoa. Nguyen, Hoa. Nguyen, Hoa N. Nguyen, Hoa Van. Nguyen, Hoang. Nguyen, Hoang. Nguyen, Hoang T. Nguyen, Hoi. Nguyen, Hon Xuong. Nguyen, Huan. Nguyen, Hung. Nguyen, Hung. Nguyen, Hung. Nguyen, Hung M. Nguyen, Hung Manh. Nguyen, Hung Van. Nguyen, Hung-Joseph. Nguyen, Huu Nghia. Nguyen, Hy Don N. Nguyen, Jackie Tin. Nguyen, James. Nguyen, James N. Nguyen, Jefferson.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Nguyen, Jennifer. Nguyen, Jimmy. Nguyen, Jimmy. Nguyen, Joachim. Nguyen, Joe. Nguyen, John R. Nguyen, John Van. Nguyen, Johnny. Nguyen, Joseph Minh. Nguyen, Kenny Hung Mong. Nguyen, Kevin. Nguyen, Khai. Nguyen, Khanh. Nguyen, Khanh and Viet Dinh. Nguyen, Khanh Q. Nguyen, Khiem. Nguyen, Kien Phan. Nguyen, Kim. Nguyen, Kim Mai. Nguyen, Kim Thoa. Nguyen, Kinh V. Nguyen, Lai. Nguyen, Lai. Nguyen, Lai Tan. Nguyen, Lam. Nguyen, Lam Van. Nguyen, Lam Van. Nguyen, Lam Van. Nguyen, Lan. Nguyen, Lang. Nguyen, Lang. Nguyen, Lanh. Nguyen, Lap Van. Nguyen, Lap Van. Nguyen, Le. Nguyen, Lien and Hang Luong. Nguyen, Lien Thi. Nguyen, Linda Oan. Nguyen, Linh Thi. Nguyen, Linh Van. Nguyen, Lintt Danny. Nguyen, Lluu. Nguyen, Loc. Nguyen, Loi. Nguyen, Loi. Nguyen, Long Phi. Nguyen, Long T. Nguyen, Long Viet. Nguyen, Luom T. Nguyen, Mai Van. Nguyen, Man. Nguyen, Mao-Van. Nguyen, Mary. Nguyen, Mary. Nguyen, Melissa. Nguyen, Minh. Nguyen, Minh. Nguyen, Minh. Nguyen, Minh. Nguyen, Minh. Nguyen, Minh Ngoc. Nguyen, Minh Van. Nguyen, Moot. Nguyen, Mui Van. Nguyen, Mung T. Nguyen, Muoi. Nguyen, My Le Thi. Nguyen, My Tan. Nguyen, My V. Nguyen, Nam Van. Nguyen, Nam Van. Nguyen, Nam Van. Nguyen, Nam Van.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Nguyen, Nancy. Nguyen, Nancy. Nguyen, Nghi. Nguyen, Nghi Q. Nguyen, Nghia. Nguyen, Nghiep. Nguyen, Ngoc Tim. Nguyen, Ngoc Van. Nguyen, Nguyet. Nguyen, Nhi. Nguyen, Nho Van. Nguyen, Nina. Nguyen, Nuong. Nguyen, Peter. Nguyen, Peter Thang. Nguyen, Peter V. Nguyen, Phe. Nguyen, Phong. Nguyen, Phong Ngoc. Nguyen, Phong T. Nguyen, Phong Xuan. Nguyen, Phu Huu. Nguyen, Phuc. Nguyen, Phuoc H. Nguyen, Phuoc Van. Nguyen, Phuong. Nguyen, Phuong. Nguyen, Quang. Nguyen, Quang. Nguyen, Quang Dang. Nguyen, Quang Dinh. Nguyen, Quang Van. Nguyen, Quoc Van. Nguyen, Quyen Minh. Nguyen, Quyen T. Nguyen, Quyen-Van. Nguyen, Ran T. Nguyen, Randon. Nguyen, Richard. Nguyen, Richard Nghia. Nguyen, Rick Van. Nguyen, Ricky Tinh. Nguyen, Roe Van. Nguyen, Rose. Nguyen, Sam. Nguyen, Sandy Ha. Nguyen, Sang Van. Nguyen, Sau V. Nguyen, Si Ngoc. Nguyen, Son. Nguyen, Son Thanh. Nguyen, Son Van. Nguyen, Song V. Nguyen, Steve. Nguyen, Steve Q. Nguyen, Steven Giap. Nguyen, Sung. Nguyen, Tai. Nguyen, Tai The. Nguyen, Tai Thi. Nguyen, Tam. Nguyen, Tam Minh. Nguyen, Tam Thanh. Nguyen, Tam V. Nguyen, Tam Van. Nguyen, Tan. Nguyen, Ten Tan. Nguyen, Thach. Nguyen, Thang. Nguyen, Thanh. Nguyen, Thanh. Nguyen, Thanh. Nguyen, Thanh Phuc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Nguyen, Thanh V.
			Nguyen, Thanh Van.
			Nguyen, Thanh Van.
			Nguyen, Thanh Van.
			Nguyen, Thanh Van.
			Nguyen, Thao.
			Nguyen, Thi Bich Hang.
			Nguyen, Thiet.
			Nguyen, Thiet.
			Nguyen, Tho Duke.
			Nguyen, Thoa D.
			Nguyen, Thoa Thi.
			Nguyen, Thomas.
			Nguyen, Thu.
			Nguyen, Thu and Rose.
			Nguyen, Thu Duc.
			Nguyen, Thu Van.
			Nguyen, Thuan.
			Nguyen, Thuan.
			Nguyen, Thuong.
			Nguyen, Thuong Van.
			Nguyen, Thuy.
			Nguyen, Thuyen.
			Nguyen, Thuyen.
			Nguyen, Tinh.
			Nguyen, Tinh Van.
			Nguyen, Toan.
			Nguyen, Toan Van.
			Nguyen, Tommy.
			Nguyen, Tony.
			Nguyen, Tony.
			Nguyen, Tony.
			Nguyen, Tony D.
			Nguyen, Tony Hong.
			Nguyen, Tony Si.
			Nguyen, Tra.
			Nguyen, Tra.
			Nguyen, Tracy T.
			Nguyen, Tri D.
			Nguyen, Trich Van.
			Nguyen, Trung Van.
			Nguyen, Tu Van.
			Nguyen, Tuan.
			Nguyen, Tuan A.
			Nguyen, Tuan H.
			Nguyen, Tuan Ngoc.
			Nguyen, Tuan Q.
			Nguyen, Tuan Van.
			Nguyen, Tung.
			Nguyen, Tuyen Duc.
			Nguyen, Tuyen Van.
			Nguyen, Ty and Ngoc Ngo.
			Nguyen, Van H.
			Nguyen, Van Loi.
			Nguyen, Vang Van.
			Nguyen, Viet.
			Nguyen, Viet.
			Nguyen, Viet V.
			Nguyen, Viet Van.
			Nguyen, Vinh Van.
			Nguyen, Vinh Van.
			Nguyen, Vinh Van.
			Nguyen, VT.
			Nguyen, Vu Minh.
			Nguyen, Vu T.
			Nguyen, Vu Xuan.
			Nguyen, Vui.
			Nguyen, Vuong V.
			Nguyen, Xuong Kim.
			Nhan, Tran Quoc.
			Nhon, Seri.
			Nichols, Steve Anna.
			Nicholson, Gary.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Nixon, Leonard. Noble, Earl. Noland, Terrel W. Normand, Timothy. Norris, Candace P. Norris, John A. Norris, Kenneth L. Norris, Kevin J. Nowell, James E. Noy, Phen. Nunez, Conrad. Nunez, Jody. Nunez, Joseph Paul. Nunez, Randy. Nunez, Wade Joseph. Nyuyen, Toan. Oberling, Darryl. O'Blance, Adam. O'Brien, Gary S. O'Brien, Mark. O'Brien, Michele. Ogden, John M. Oglesby, Henry. Oglesby, Phyllis. O'Gwynn, Michael P Sr. Ohmer, Eva G. Ohmer, George J. Olander, Hazel. Olander, Rodney. Olander, Roland J. Olander, Russell J. Olander, Thomas. Olano, Kevin. Olano, Owen J. Olano, Shelby F. Olds, Malcolm D Jr. Olinde, Wilfred J Jr. Oliver, Charles. O'Neil, Carey. Oracoy, Brad R. Orage, Eugene. Orlando, Het. Oteri, Robert F. Oubre, Faron P. Oubre, Thomas W. Ourks, SokHoms K. Owens, Larry E. Owens, Sheppard. Owens, Timothy. Pacaccio, Thomas Jr. Padgett, Kenneth J. Palmer, Gay Ann P. Palmer, John W. Palmer, Mack. Palmisano, Daniel P. Palmisano, Dwayne Jr. Palmisano, Kim. Palmisano, Larry J. Palmisano, Leroy J. Palmisano, Robin G. Pam, Phuong Bui. Parfait, Antoine C Jr. Parfait, Jerry Jr. Parfait, John C. Parfait, Joshua K. Parfait, Mary F. Parfait, Mary S. Parfait, Olden G Jr. Parfait, Robert C Jr. Parfait, Robert C Sr. Parfait, Rodney. Parfait, Shane A. Parfait, Shelton J.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Parfait, Timmy J. Parker, Clyde A. Parker, Franklin L. Parker, Paul A. Parker, Percy Todd. Parks, Daniel Duane. Parks, Ellery Doyle Jr. Parrett, Joseph D Jr. Parria, Danny. Parria, Gavin C Sr. Parria, Gillis F Jr. Parria, Gillis F Sr. Parria, Jerry D. Parria, Kip G. Parria, Lionel J Sr. Parria, Louis III. Parria, Louis J Sr. Parria, Louis Jr. Parria, Michael. Parria, Ronald. Parria, Ross. Parria, Troy M. Parrish, Charles. Parrish, Walter L. Passmore, Penny. Pate, Shane. Paterbaugh, Richard. Patingo, Roger D. Paul, Robert Emmett. Payne, John Francis. Payne, Stuart. Peatross, David A. Pelas, James Curtis. Pelas, Jeffery. Pellegrin, Corey P. Pellegrin, Curlynn. Pellegrin, James A Jr. Pellegrin, Jordey. Pellegrin, Karl. Pellegrin, Karl J. Pellegrin, Randy. Pellegrin, Randy Sr. Pellegrin, Rodney J Sr. Pellegrin, Samuel. Pellegrin, Troy Sr. Peltier, Clyde. Peltier, Rodney J. Pena, Bartolo Jr. Pena, Israel. Pendarvis, Gracie. Pennison, Elaine. Pennison, Milton G. Pequeno, Julius. Percle, David P. Perez, Allen M. Perez, David J. Perez, David P. Perez, Derek. Perez, Edward Jr. Perez, Henry Jr. Perez, Joe B. Perez, Tilden A Jr. Perez, Warren A Jr. Perez, Warren A Sr. Perez, Wesley. Perrin, Dale. Perrin, David M. Perrin, Edward G Sr. Perrin, Errol Joseph Jr. Perrin, Jerry J. Perrin, Kenneth V. Perrin, Kevin. Perrin, Kline J Sr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Perrin, Kurt M. Perrin, Michael. Perrin, Michael A. Perrin, Murphy P. Perrin, Nelson C Jr. Perrin, Pershing J Jr. Perrin, Robert. Perrin, Tim J. Perrin, Tony. Persohn, William T. Peshoff, Kirk Lynn. Pete, Alfred F Jr. Pete, Alfred F Sr. Pfleeger, William A. Pham, An V. Pham, Anh My. Pham, Bob. Pham, Cho. Pham, Cindy. Pham, David. Pham, Dung. Pham, Dung Phuoc. Pham, Dung Phuoc. Pham, Duong Van. Pham, Gai. Pham, Hai. Pham, Hai Hong. Pham, Hien. Pham, Hien C. Pham, Hiep. Pham, Hieu. Pham, Huan Van. Pham, Hung. Pham, Hung V. Pham, Hung V. Pham, Huynh. Pham, John. Pham, Johnny. Pham, Joseph S. Pham, Kannin. Pham, Nga T. Pham, Nhung T. Pham, Osmond. Pham, Paul P. Pham, Phong-Thanh. Pham, Phung. Pham, Quoc V. Pham, Steve Ban. Pham, Steve V. Pham, Thai Van. Pham, Thai Van. Pham, Thanh. Pham, Thanh. Pham, Thanh V. Pham, Thinh. Pham, Thinh V. Pham, Tommy V. Pham, Tran and Thu Quang. Pham, Ut Van. Phan, Anh Thi. Phan, Banh Van. Phan, Cong Van. Phan, Dan T. Phan, Hoang. Phan, Hung Thanh. Phan, Johnny. Phan, Lam. Phan, Luyen Van. Phan, Nam V. Phan, Thong. Phan, Tien V. Phan, Toan. Phan, Tu Van.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Phat, Lam Mau. Phelps, John D. Phillips, Bruce A. Phillips, Danny D. Phillips, Gary. Phillips, Harry Louis. Phillips, James C Jr. Phillips, Kristrina W. Phipps, AW. Phonthaasa, Khaolop. Phorn, Phen. Pickett, Kathy. Picou, Calvin Jr. Picou, Gary M. Picou, Jennifer. Picou, Jerome J. Picou, Jordan J. Picou, Randy John. Picou, Ricky Sr. Picou, Terry. Pierce, Aaron. Pierce, Dean. Pierce, Elwood. Pierce, Imogene. Pierce, Stanley. Pierce, Taffie Boone. Pierre, Ivy. Pierre, Joseph. Pierre, Joseph C Jr. Pierre, Paul J. Pierre, Ronald J. Pierron, Jake. Pierron, Patsy H. Pierron, Roger D. Pinell, Ernie A. Pinell, Harry J Jr. Pinell, Jody J. Pinell, Randall James. Pinnell, Richard J. Pinnell, Robert. Pitre, Benton J. Pitre, Carol. Pitre, Claude A Sr. Pitre, Elrod. Pitre, Emily B. Pitre, Glenn P. Pitre, Herbert. Pitre, Jeannie. Pitre, Leo P. Pitre, Robert Jr. Pitre, Robin. Pitre, Ryan P. Pitre, Ted J. Pittman, Roger. Pizani, Bonnie. Pizani, Craig. Pizani, Jane. Pizani, Terrill J. Pizani, Terry M. Pizani, Terry M Jr. Plaisance, Arthur E. Plaisance, Burgess. Plaisance, Darren. Plaisance, Dean J Sr. Plaisance, Dorothy B. Plaisance, Dwayne. Plaisance, Earl J Jr. Plaisance, Errance H. Plaisance, Evans P. Plaisance, Eves A III. Plaisance, Gideons. Plaisance, Gillis S. Plaisance, Henry A Jr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Plaisance, Jacob. Plaisance, Jimmie J. Plaisance, Joyce. Plaisance, Keith. Plaisance, Ken G. Plaisance, Lawrence J. Plaisance, Lucien Jr. Plaisance, Peter A Sr. Plaisance, Peter Jr. Plaisance, Richard J. Plaisance, Russel P. Plaisance, Russell P Sr. Plaisance, Thomas. Plaisance, Thomas J. Plaisance, Wayne P. Plaisance, Whitney III. Plork, Phan. Poche, Glenn J Jr. Poche, Glenn J Sr. Pockrus, Gerald. Poiencot, Russell Jr. Poillion, Charles A. Polito, Gerald. Polkey, Gary J. Polkey, Richard R Jr. Polkey, Ronald. Polkey, Shawn Michael. Pollet, Lionel J Sr. Pomgoria, Mario. Ponce, Ben. Ponce, Lewis B. Poon, Raymond. Pope, Robert. Popham, Winford A. Poppell, David M. Porche, Ricky J. Portier, Bobby. Portier, Chad. Portier, Corinne L. Portier, Penelope J. Portier, Robbie. Portier, Russel A Sr. Portier, Russell. Potter, Hubert Edward Jr. Potter, Robert D. Potter, Robert J. Pounds, Terry Wayne. Powers, Clyde T. Prejean, Dennis J. Price, Carl. Price, Curtis. Price, Edwin J. Price, Franklin J. Price, George J Sr. Price, Norris J Sr. Price, Steve J Jr. Price, Timmy T. Price, Wade J. Price, Warren J. Prihoda, Steve. Primeaux, Scott. Pritchard, Dixie J. Pritchard, James Ross Jr. Prosperie, Claude J Jr. Prosperie, Myron. Prout, Rollen. Prout, Sharonski K. Prum, Thou. Pugh, Charles D Jr. Pugh, Charles Sr. Pugh, Cody. Pugh, Deanna. Pugh, Donald.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Pugh, Nickolas. Punch, Alvin Jr. Punch, Donald J. Punch, Todd M. Punch, Travis J. Purata, Maria. Purse, Emil. Purvis, George. Quach, Duc. Quach, James D. Quach, Joe. Quach, Si Tan. Quinn, Dora M. Racca, Charles. Racine, Sylvan P Jr. Radulic, Igor. Ragas, Albert G. Ragas, Gene. Ragas, John D. Ragas, Jonathan. Ragas, Richard A. Ragas, Ronda S. Ralph, Lester B. Ramirez, Alfred J Jr. Randazzo, John A Jr. Randazzo, Rick A. Rando, Stanley D. Ranko, Ellis Gerald. Rapp, Dwayne. Rapp, Leroy and Sedonia. Rawlings, John H Sr. Rawlings, Ralph E. Rawls, Norman E. Ray, Leo. Ray, William C Jr. Raynor, Steven Earl. Readenour, Kelty O. Reagan, Roy. Reason, Patrick W. Reaux, Paul S Sr. Reaves, Craig A. Reaves, Laten. Rebert, Paul J Sr. Rebert, Steve M Jr. Rebstock, Charles. Rector, Lance Jr. Rector, Warren L. Redden, Yvonne. Regnier, Leoncea B. Remondet, Garland Jr. Renard, Lanny. Reno, Edward. Reno, George C. Reno, George H. Reno, George T. Reno, Harry. Revell, Ben David. Reyes, Carlton. Reyes, Dwight D Sr. Reynon, Marcello Jr. Rhodes, Randolph N. Rhoto, Christopher L. Ribardi, Frank A. Rich, Wanda Heafner. Richard, Bruce J. Richard, David L. Richard, Edgar J. Richard, James Ray. Richard, Melissa. Richard, Randall K. Richardson, James T. Richert, Daniel E. Richo, Earl Sr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Richoux, Dudley Donald Jr. Richoux, Irvin J Jr. Richoux, Judy. Richoux, Larry. Richoux, Mary A. Riego, Raymond A. Riffle, Josiah B. Rigaud, Randall Ryan. Riggs, Jeffrey B. Riley, Jackie Sr. Riley, Raymond. Rinkus, Anthony J III. Rios, Amado. Ripp, Norris M. Robbins, Tony. Robert, Dan S. Roberts, Michael A. Robertson, Kevin. Robeson, Richard S Jr. Robichaux, Craig J. Robin, Alvin G. Robin, Cary Joseph. Robin, Charles R III. Robin, Danny J. Robin, Donald. Robin, Floyd A. Robin, Kenneth J Sr. Robin, Ricky R. Robinson, Johnson P III. Robinson, Walter. Roccaforte, Clay. Rodi, Dominick R. Rodi, Rhonda. Rodrigue, Brent J. Rodrigue, Carrol Sr. Rodrigue, Glenn. Rodrigue, Lerlene. Rodrigue, Reggie Sr. Rodrigue, Sonya. Rodrigue, Wayne. Rodriguez, Barry. Rodriguez, Charles V Sr. Rodriguez, Gregory. Rodriguez, Jesus. Rodriguez, Joseph C Jr. Roeum, Orn. Rogers, Barry David. Rogers, Chad. Rogers, Chad M. Rogers, Kevin J. Rogers, Nathan J. Rojas, Carlton J Sr. Rojas, Curtis Sr. Rojas, Dennis J Jr. Rojas, Dennis J Sr. Rojas, Gordon V. Rojas, Kerry D. Rojas, Kerry D Jr. Rojas, Randy J Sr. Rojas, Raymond J Jr. Roland, Brad. Roland, Mathias C. Roland, Vincent. Rollins, Theresa. Rollo, Wayne A. Rome, Victor J IV. Romero, D H. Romero, Kardel J. Romero, Norman. Romero, Philip J. Ronquille, Glenn. Ronquille, Norman C. Ronquillo, Earl.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Ronquillo, Richard J. Ronquillo, Timothy. Roseburrough, Charles R Jr. Ross, Dorothy. Ross, Edward Danny Jr. Ross, Leo L. Ross, Robert A. Roth, Joseph F Jr. Roth, Joseph M Jr. Rotolo, Carolyn. Rotolo, Feliz. Rouse, Jimmy. Roussel, Michael D Jr. Roy, Henry Lee Jr. Rudolph, Chad A. Ruiz, Donald W. Ruiz, James L. Ruiz, Paul E. Ruiz, Paul R. Russell, Bentley R. Russell, Casey. Russell, Daniel. Russell, James III. Russell, Julie Ann. Russell, Michael J. Russell, Nicholas M. Russell, Paul. Rustick, Kenneth. Ruttley, Adrian K. Ruttley, Ernest T Jr. Ruttley, JT. Ryan, James C Sr. Rybiski, Rhebb R. Ryder, Luther V. Sadler, Stewart. Sagnes, Everett. Saha, Amanda K. Saling, Don M. Saltalamacchia, Preston J. Saltalamacchia, Sue A. Salvato, Lawrence Jr. Samanie, Caroll J. Samanie, Frank J. Samsome, Don. Sanamo, Troy P. Sanchez, Augustine. Sanchez, Jeffery A. Sanchez, Juan. Sanchez, Robert A. Sanders, William Shannon. Sandras, R J. Sandras, R J Jr. Sandrock, Roy R III. Santini, Lindberg W Jr. Santiny, James. Santiny, Patrick. Sapia, Carroll J Jr. Sapia, Eddie J Jr. Sapia, Willard. Saturday, Michael Rance. Sauce, Carlton Joseph. Sauce, Joseph C Jr. Saucier, Houston J. Sauls, Russell. Savage, Malcolm H. Savant, Raymond. Savoie, Allen. Savoie, Brent T. Savoie, James. Savoie, Merlin F Jr. Savoie, Reginald M II. Sawyer, Gerald. Sawyer, Rodney.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Scarabin, Clifford. Scarabin, Michael J. Schaffer, Kelly. Schaubhut, Curry A. Schellinger, Lester B Jr. Schexnaydre, Michael. Schirmer, Robert Jr. Schjott, Joseph J Sr. Schlindwein, Henry. Schmit, Paul A Jr. Schmit, Paul A Sr. Schmit, Victor J Jr. Schouest, Ellis J III. Schouest, Ellis Jr. Schouest, Juston. Schouest, Mark. Schouest, Noel. Schrimpf, Robert H Jr. Schultz, Troy A. Schwartz, Sidney. Scott, Aaron J. Scott, Audie B. Scott, James E III. Scott, Milford P. Scott, Paul. Seabrook, Terry G. Seal, Charles T. Seal, Joseph G. Seaman, Garry. Seaman, Greg. Seaman, Ollie L Jr. Seaman, Ollie L Sr. Seang, Meng. Sehon, Robert Craig. Sekul, Morris G. Sekul, S George. Sellers, Isaac Charles. Seng, Sophan. Serigne, Adam R. Serigne, Elizabeth. Serigne, James J III. Serigne, Kimmie J. Serigne, Lisa M. Serigne, Neil. Serigne, O'Neil N. Serigne, Richard J Sr. Serigne, Rickey N. Serigne, Ronald Raymond. Serigne, Ronald Roch. Serigne, Ross. Serigny, Gail. Serigny, Wayne A. Serpas, Lenny Jr. Sessions, William O III. Sessions, William O Jr. Sevel, Michael D. Sevin, Carl Anthony. Sevin, Earline. Sevin, Janell A. Sevin, Joey. Sevin, Nac J. Sevin, O'Neil and Symantha. Sevin, Phillip T. Sevin, Shane. Sevin, Shane Anthony. Sevin, Stanley J. Sevin, Willis. Seymour, Janet A. Shackelford, David M. Shaffer, Curtis E. Shaffer, Glynnon D. Shay, Daniel A. Shilling, Jason.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Shilling, L E. Shugars, Robert L. Shutt, Randy. Sifuentes, Esteban. Sifuentes, Fernando. Silver, Curtis A Jr. Simon, Curnis. Simon, John. Simon, Leo. Simpson, Mark. Sims, Donald L. Sims, Mike. Singley, Charlie Sr. Singley, Glenn. Singley, Robert Joseph. Sirgo, Jace. Sisung, Walter. Sisung, Walter Jr. Skinner, Gary M Sr. Skinner, Richard. Skipper, Malcolm W. Skrmetta, Martin J. Smelker, Brian H. Smith, Brian. Smith, Carl R Jr. Smith, Clark W. Smith, Danny. Smith, Danny M Jr. Smith, Donna. Smith, Elmer T Jr. Smith, Glenda F. Smith, James E. Smith, Margie T. Smith, Mark A. Smith, Nancy F. Smith, Raymond C Sr. Smith, Tim. Smith, Walter M Jr. Smith, William T. Smithwick, Ted Wayne. Smoak, Bill. Smoak, William W III. Snell, Erick. Snodgrass, Sam. Soeung, Phat. Soileau, John C Sr. Sok, Kheng. Sok, Montha. Sok, Nhip. Solet, Darren. Solet, Donald M. Solet, Joseph R. Solet, Raymond J. Solorzano, Marilyn. Son, Kim. Son, Sam Nang. Son, Samay. Son, Thuong Cong. Soprano, Daniel. Sork, William. Sou, Mang. Soudelier, Louis Jr. Soudelier, Shannon. Sour, Yem Kim. Southerland, Robert. Speir, Barbara Kay. Spell, Jeffrey B. Spell, Mark A. Spellmeyer, Joel F Sr. Spencer, Casey. Spiers, Donald A. Sprinkle, Avery M. Sprinkle, Emery Shelton Jr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Sprinkle, Joseph Warren. Squarsich, Kenneth J. Sreiy, Siphan. St Amant, Dana A. St Ann, Mr and Mrs Jerome K. St Pierre, Darren. St Pierre, Scott A. Staves, Patrick. Stechmann, Chad. Stechmann, Karl J. Stechmann, Todd. Steele, Arnold D Jr. Steele, Henry H III. Steen, Carl L. Steen, James D. Steen, Kathy G. Stein, Norris J Jr. Stelly, Adlar. Stelly, Carl A. Stelly, Chad P. Stelly, Delores. Stelly, Sandrus J Sr. Stelly, Sandrus Jr. Stelly, Toby J. Stelly, Veronica G. Stelly, Warren. Stephenson, Louis. Stevens, Alvin. Stevens, Curtis D. Stevens, Donald. Stevens, Glenda. Stewart, Chester Jr. Stewart, Derald. Stewart, Derek. Stewart, Fred. Stewart, Jason F. Stewart, Ronald G. Stewart, William C. Stiffler, Thanh. Stipelcovich, Lawrence L. Stipelcovich, Todd J. Stockfett, Brenda. Stokes, Todd. Stone-Rinkus, Pamela. Strader, Steven R. Strickland, Kenneth. Strickland, Rita G. Stuart, James Vernon. Stutes, Rex E. Sulak, Billy W. Sun, Hong Sreng. Surmik, Donald D. Swindell, Keith M. Sylve, Dennis A. Sylve, James L. Sylve, Nathan. Sylve, Scott. Sylvesr, Paul A. Ta, Ba Van. Ta, Chris. Tabb, Calvin. Taliancich, Andrew. Taliancich, Ivan. Taliancich, Joseph M. Taliancich, Srecka. Tan, Ho Dung. Tan, Hung. Tan, Lan T. Tan, Ngo The. Tang, Thanh. Tanner, Robert Charles. Taravella, Raymond. Tassin, Alton J.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Tassin, Keith P. Tate, Archie P. Tate, Terrell. Tauzier, Kevin M. Taylor, Doyle L. Taylor, Herman R. Taylor, Herman R Jr. Taylor, J P Jr. Taylor, John C. Taylor, Leander J Sr. Taylor, Leo Jr. Taylor, Lewis. Taylor, Nathan L. Taylor, Robert L. Taylor, Robert M. Teap, Phal. Tek, Heng. Templat, Paul. Terluin, John L III. Terrebonne, Adrein Scott. Terrebonne, Alphonse J. Terrebonne, Alton S Jr. Terrebonne, Alton S Sr. Terrebonne, Carol. Terrebonne, Carroll. Terrebonne, Chad. Terrebonne, Chad Sr. Terrebonne, Daniel J. Terrebonne, Donavon J. Terrebonne, Gary J Sr. Terrebonne, Jimmy Jr. Terrebonne, Jimmy Sr. Terrebonne, Kline A. Terrebonne, Lanny. Terrebonne, Larry F Jr. Terrebonne, Scott. Terrebonne, Steven. Terrebonne, Steven. Terrebonne, Toby J. Terrel, Chad J Sr. Terrell, C Todd. Terrio, Brandon James. Terrio, Harvey J Jr. Terry, Eloise P. Tesvich, Kuzma D. Thac, Dang Van. Thach, Phuong. Thai, Huynh Tan. Thai, Paul. Thai, Thomas. Thanh, Thien. Tharpe, Jack. Theriot, Anthony. Theriot, Carroll A Jr. Theriot, Clay J Jr. Theriot, Craig A. Theriot, Dean P. Theriot, Donnie. Theriot, Jeffery C. Theriot, Larry J. Theriot, Lynn. Theriot, Mark A. Theriot, Roland P Jr. Theriot, Wanda J. Thibodaux, Jared. Thibodeaux, Bart James. Thibodeaux, Brian A. Thibodeaux, Brian M. Thibodeaux, Calvin A Jr. Thibodeaux, Fay F. Thibodeaux, Glenn P. Thibodeaux, Jeffrey. Thibodeaux, Jonathan.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Thibodeaux, Josephine. Thibodeaux, Keith. Thibodeaux, Tony J. Thibodeaux, Warren J. Thidobaux, James V Sr. Thiet, Tran. Thomas, Alvin. Thomas, Brent. Thomas, Dally S. Thomas, Janie G. Thomas, John Richard. Thomas, Kenneth Ward. Thomas, Monica P. Thomas, Ralph L Jr. Thomas, Ralph Lee Jr. Thomas, Randall. Thomas, Robert W. Thomas, Willard N Jr. Thomassie, Gerard. Thomassie, Nathan A. Thomassie, Philip A. Thomassie, Ronald J. Thomassie, Tracy Joseph. Thompson, Bobbie. Thompson, David W. Thompson, Edwin A. Thompson, George. Thompson, James D Jr. Thompson, James Jr. Thompson, John E. Thompson, John R. Thompson, Randall. Thompson, Sammy. Thompson, Shawn. Thong, R. Thonn, John J Jr. Thonn, Victor J. Thorpe, Robert Lee Jr. Thurman, Charles E. Tiet, Thanh Duc. Tilghman, Gene E. Tillett, Billy Carl. Tillman, Lewis A Jr. Tillman, Timothy P and Yvonne M. Tillotson, Pat. Tinney, Mark A. Tisdale, Georgia W. Tiser, Oscar. Tiser, Thomas C Jr. Tiser, Thomas C Sr. To, Cang Van. To, Du Van. Todd, Fred Noel. Todd, Patricia J. Todd, Rebecca G. Todd, Robert C and Patricia J. Todd, Vonnie Frank Jr. Tompkins, Gerald Paul II. Toney, George Jr. Tong, Hai V. Tong, Linh C. Toomer, Christina Abbott. Toomer, Christy. Toomer, Frank G Jr. Toomer, Jeffrey E. Toomer, Kenneth. Toomer, Lamar K. Toomer, Larry Curtis and Tina. Toomer, William Kemp. Torrible, David P. Torrible, Jason. Touchard, Anthony H. Touchard, John B Jr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Touchard, Paul V Jr. Touchet, Eldridge III. Touchet, Eldridge Jr. Toups, Anthony G. Toups, Bryan. Toups, Jeff. Toups, Jimmie J. Toups, Kim. Toups, Manuel. Toups, Ted. Toups, Tommy. Toureau, James. Tower, H Melvin. Townsend, Harmon Lynn. Townsend, Marion Brooks. Tra, Hop T. Trabeau, James D. Trahan, Allen A Jr. Trahan, Alvin Jr. Trahan, Druby. Trahan, Dudley. Trahan, Elie J. Trahan, Eric J. Trahan, James. Trahan, Karen C. Trahan, Lynn P Sr. Trahan, Ricky. Trahan, Ronald J. Trahan, Tracey L. Trahan, Wayne Paul. Tran, Allen Hai. Tran, Andana. Tran, Anh. Tran, Anh. Tran, Anh N. Tran, Bay V. Tran, Bay Van. Tran, Binh. Tran, Binh Van. Tran, Ca Van. Tran, Cam Van. Tran, Chau V. Tran, Chau Van. Tran, Chau Van. Tran, Chi T. Tran, Christina Phuong. Tran, Chu V. Tran, Cuong. Tran, Cuong. Tran, Danny Duc. Tran, Den. Tran, Dien. Tran, Dinh M. Tran, Dinh Q. Tran, Doan. Tran, Dung Van. Tran, Duoc. Tran, Duoc. Tran, Duong. Tran, Eric. Tran, Francis. Tran, Francis. Tran, Giang. Tran, Giao. Tran, Ha Mike. Tran, Hai. Tran, Hien H. Tran, Hiep Phuoc. Tran, Hieu. Tran, Hoa. Tran, Hoa. Tran, Hue T. Tran, Huey.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Tran, Hung. Tran, Hung. Tran, Hung. Tran, Hung P. Tran, Hung Van. Tran, Hung Van. Tran, Hung Viet. Tran, James N. Tran, John. Tran, Johnny Dinh. Tran, Joseph. Tran, Joseph T. Tran, Khan Van. Tran, Khanh. Tran, Kim. Tran, Kim Chi Thi. Tran, Lan Tina. Tran, Le and Phat Le. Tran, Leo Van. Tran, Loan. Tran, Long. Tran, Long Van. Tran, Luu Van. Tran, Ly. Tran, Ly Van. Tran, Mai Thi. Tran, Mary. Tran, Miel Van. Tran, Mien. Tran, Mike. Tran, Mike Dai. Tran, Minh Huu. Tran, Muoi. Tran, My T. Tran, Nam Van. Tran, Nang Van. Tran, Nghia and T Le Banh. Tran, Ngoc. Tran, Nhanh Van. Tran, Nhieu T. Tran, Nhieu Van. Tran, Nho. Tran, Peter. Tran, Phu Van. Tran, Phuc D. Tran, Phuc V. Tran, Phung. Tran, Quan Van. Tran, Quang Quang. Tran, Quang T. Tran, Quang Van. Tran, Qui V. Tran, Quy Van. Tran, Ran Van. Tran, Sarah T. Tran, Sau. Tran, Scotty. Tran, Son. Tran, Son Van. Tran, Steven Tuan. Tran, Tam. Tran, Te Van. Tran, Than. Tran, Thang Van. Tran, Thanh. Tran, Thanh. Tran, Thanh Van. Tran, Theresa. Tran, Thi. Tran, Thich Van. Tran, Thien. Tran, Thien Van. Tran, Thiet.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Tran, Tommy. Tran, Tony. Tran, Tri. Tran, Trinh. Tran, Trung. Tran, Trung Van. Tran, Tu. Tran, Tuan. Tran, Tuan. Tran, Tuan Minh. Tran, Tuong Van. Tran, Tuyet Thi. Tran, Van T. Tran, Victor. Tran, Vinh. Tran, Vinh Q. Tran, Vinh Q. Tran, Vui Kim. Trang, Tan. Trapp, Tommy. Treadaway, Michael. Tregle, Curtis. Treloar, William Paul. Treuil, Gary J. Trevino, Manuel. Treybig, E H ''Buddy'' Jr. Triche, Donald G. Trieu, Hiep and Jackie. Trieu, Hung Hoa. Trieu, Jasmine and Ly. Trieu, Lorie and Tam. Trieu, Tam. Trinh, Christopher B. Trinh, Philip P. Trosclair, Clark K. Trosclair, Clark P. Trosclair, Eugene P. Trosclair, James J. Trosclair, Jerome. Trosclair, Joseph. Trosclair, Lori. Trosclair, Louis V. Trosclair, Patricia. Trosclair, Randy. Trosclair, Ricky. Trosclair, Wallace Sr. Truong, Andre. Truong, Andre V. Truong, Be Van. Truong, Benjamin. Truong, Dac. Truong, Huan. Truong, Kim. Truong, Nhut Van. Truong, Steve. Truong, Tham T. Truong, Thanh Minh. Truong, Them Van. Truong, Thom. Truong, Timmy. Trutt, George W Sr. Trutt, Wanda. Turlich, Mervin A. Turner, Calvin L. Tyre, John. Upton, Terry R. Valentino, J G Jr. Valentino, James. Vallot, Christopher A. Vallot, Nancy H. Valure, Hugh P. Van Alsburg, Charles. Van Gordstnoven, Jean J.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Van Nguyen, Irving. Van, Than. Van, Vui. Vanacor, Kathy D. Vanacor, Malcolm J Sr. Vanicor, Bobbie. VanMeter, Matthew T. VanMeter, William Earl. Varney, Randy L. Vath, Raymond S. Veasel, William E III. Vegas, Brien J. Vegas, Percy J. Vegas, Terry J. Vegas, Terry J Jr. Vegas, Terry Jr. Vela, Peter. Verdin, Aaron. Verdin, Av. Verdin, Bradley J. Verdin, Brent A. Verdin, Charles A. Verdin, Charles E. Verdin, Coy P. Verdin, Curtis A Jr. Verdin, Delphine. Verdin, Diana A. Verdin, Ebro W. Verdin, Eric P. Verdin, Ernest Joseph Sr. Verdin, Jeff C. Verdin, Jeffrey A. Verdin, Jessie J. Verdin, John P. Verdin, Joseph. Verdin, Joseph A Jr. Verdin, Joseph Cleveland. Verdin, Joseph D Jr. Verdin, Joseph S. Verdin, Joseph W Jr. Verdin, Justilien G. Verdin, Matthew W Sr. Verdin, Michel A. Verdin, Paul E. Verdin, Perry Anthony. Verdin, Rodney. Verdin, Rodney P. Verdin, Rodney P. Verdin, Skylar. Verdin, Timmy J. Verdin, Toby. Verdin, Tommy P. Verdin, Tony J. Verdin, Troy. Verdin, Vincent. Verdin, Viness Jr. Verdin, Wallace P. Verdin, Webb A Sr. Verdin, Wesley D Sr. Verdine, Jimmy R. Vermeulen, Joseph Thomas. Verret, Darren L. Verret, Donald J. Verret, Ernest J Sr. Verret, James A. Verret, Jean E. Verret, Jimmy J Sr. Verret, Johnny R. Verret, Joseph L. Verret, Paul L. Verret, Preston. Verret, Quincy. Verret, Ronald Paul Sr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Versaggi, Joseph A. Versaggi, Salvatore J. Vicknair, Brent J Sr. Vicknair, Duane P. Vicknair, Henry Dale. Vicknair, Ricky A. Vidrine, Bill and Kathi. Vidrine, Corey. Vidrine, Richard. Vila, William F. Villers, Joseph A. Vincent, Gage Tyler. Vincent, Gene. Vincent, Gene B. Vincent, Robert N. Vise, Charles E III. Vizier, Barry A. Vizier, Christopher. Vizier, Clovis J III. Vizier, Douglas M. Vizier, Tommie Jr. Vo, Anh M. Vo, Chin Van. Vo, Dam. Vo, Dan M. Vo, Dany. Vo, Day V. Vo, Duong V. Vo, Dustin. Vo, Hai Van. Vo, Hanh Xuan. Vo, Hien Van. Vo, Hoang The. Vo, Hong. Vo, Hung Thanh. Vo, Huy K. Vo, Johnny. Vo, Kent. Vo, Lien Van. Vo, Man. Vo, Mark Van. Vo, Minh Hung. Vo, Minh Ngoc. Vo, Minh Ray. Vo, Mong V. Vo, My Dung Thi. Vo, My Lynn. Vo, Nga. Vo, Nhon Tai. Vo, Nhu Thanh. Vo, Quang Minh. Vo, Sang M. Vo, Sanh M. Vo, Song V. Vo, Tan Thanh. Vo, Tan Thanh. Vo, Thanh Van. Vo, Thao. Vo, Thuan Van. Vo, Tien Van. Vo, Tom. Vo, Tong Ba. Vo, Trao Van. Vo, Truong. Vo, Van Van. Vo, Vi Viet. Vodopija, Benjamin S. Vogt, James L. Voisin, Eddie James. Voisin, Joyce. Voison, Jamie. Von Harten, Harold L. Vona, Michael A.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Vongrith, Richard. Vossler, Kirk. Vu, Hung. Vu, John H. Vu, Khanh. Vu, Khoi Van. Vu, Quan Quoc. Vu, Ruyen Viet. Vu, Sac. Vu, Sean. Vu, Tam. Vu, Thiem Ngoc. Vu, Thuy. Vu, Tom. Vu, Tu Viet. Vu, Tuyen Jack. Vu, Tuyen Viet. Wade, Calvin J Jr. Wade, Gerard. Waguespack, David M Sr. Waguespack, Randy P II. Wainwright, Vernon. Walker, Jerry. Walker, Rogers H. Wallace, Dennis. Wallace, Edward. Wallace, John A. Wallace, John K. Wallace, Trevis L. Waller, Jack Jr. Waller, John M. Waller, Mike. Wallis, Craig A. Wallis, Keith. Walters, Samuel G. Walton, Marion M. Wannage, Edward Joseph. Wannage, Fred Jr. Wannage, Frederick W Sr. Ward, Clarence Jr. Ward, Olan B. Ward, Walter M. Washington, Clifford. Washington, John Emile III. Washington, Kevin. Washington, Louis N. Wattigney, Cecil K Jr. Wattigney, Michael. Watts, Brandon A. Watts, Warren. Webb, Bobby. Webb, Bobby N. Webb, Josie M. Webre, Donald. Webre, Dudley A. Webster, Harold. Weeks, Don Franklin. Weems, Laddie E. Weinstein, Barry C. Weiskopf, Rodney. Weiskopf, Rodney Sr. Weiskopf, Todd. Welch, Amos J. Wells, Douglas E. Wells, Stephen Ray. Wendling, Steven W. Wescovich, Charles W. Wescovich, Wesley Darryl. Whatley, William J. White, Allen Sr. White, Charles. White, Charles Fulton. White, David L.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			White, Gary Farrell. White, James Hugh. White, Perry J. White, Raymond. White, Robert Sr. Wicher, John. Wiggins, Chad M Sr. Wiggins, Ernest. Wiggins, Harry L. Wiggins, Kenneth A. Wiggins, Matthew. Wilbur, Gerald Anthony. Wilcox, Robert. Wiles, Alfred Adam. Wiles, Glen Gilbert. Wiles, Sonny Joel Sr. Wilkerson, Gene Dillard and Judith. Wilkinson, William Riley. Williams, Allen Jr. Williams, Andrew. Williams, B Dean. Williams, Clyde L. Williams, Dale A. Williams, Emmett J. Williams, Herman J Jr. Williams, J T. Williams, John A. Williams, Johnny Paul. Williams, Joseph H. Williams, Kirk. Williams, Leopold A. Williams, Mark A. Williams, Mary Ann C. Williams, Melissa A. Williams, Nina. Williams, Oliver Kent. Williams, Parish. Williams, Roberto. Williams, Ronnie. Williams, Scott A. Williams, Steven. Williams, Thomas D. Williamson, Richard L Sr. Willyard, Derek C. Willyard, Donald R. Wilson, Alward. Wilson, Hosea. Wilson, Joe R. Wilson, Jonathan. Wilson, Katherine. Wiltz, Allen. Wing, Melvin. Wiseman, Allen. Wiseman, Clarence J Jr. Wiseman, Jean P. Wiseman, Joseph A. Wiseman, Michael T Jr. Wiseman, Michael T Sr. Wolfe, Charles. Woods, John T III. Wright, Curtis. Wright, Leonard. Wright, Randy D. Yeamans, Douglas. Yeamans, Neil. Yeamans, Ronnie. Yoeuth, Peon. Yopp, Harold. Yopp, Jonathon. Yopp, Milton Thomas. Young, James. Young, Taing. Young, Willie.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Yow, Patricia D. Yow, Richard C. Zanca, Anthony V Sr. Zar, Ashley A. Zar, Carl J. Zar, John III. Zar, Steve. Zar, Steven. Zar, Troy A. Zerinque, John S Jr. Zirlott, Curtis. Zirlott, Jason D. Zirlott, Jeremy. Zirlott, Kimberly. Zirlott, Milton. Zirlott, Perry. Zirlott, Rosa H. Zito, Brian C. Zuvich, Michael A Jr. Ad Hoc Shrimp Trade Action Committee. Bryan Fishermens' Co-Op Inc. Louisiana Shrimp Association. South Carolina Shrimpers Association. Vietnamese-American Commerical Fisherman's Union. 3–G Enterprize dba Griffin's Seafood. A & G Trawlers Inc. A & T Shrimping. A Ford Able Seafood. A J Horizon Inc. A&M Inc. A&R Shrimp Co. A&T Shrimping. AAH Inc. AC Christopher Sea Food Inc. Ace of Trade LLC. Adriana Corp. AJ Boats Inc. AJ Horizon Inc. AJ's Seafood. Alario Inc. Alcide J Adams Jr. Aldebaran Inc. Aldebran Inc. Alexander and Dola. Alfred Englade Inc. Alfred Trawlers Inc. Allen Hai Tran dba Kien Giang. Al's Shrimp Co. Al's Shrimp Co LLC. Al's Shrimp Co LLC. Al's Whosale & Retail. Alton Cheeks. Amada Inc. Amber Waves. Amelia Isle. American Beauty. American Beauty Inc. American Eagle Enterprise Inc. American Girl. American Seafood. Americana Shrimp. Amvina II. Amvina II. Amy D Inc. Amy's Seafood Mart. An Kit. Andy Boy. Andy's SFD. Angel Annie Inc. Angel Leigh. Angel Seafood Inc. Angela Marie Inc. Angela Marie Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Angelina Inc. Anna Grace LLC. Anna Grace LLC. Annie Thornton Inc. Annie Thornton Inc. Anthony Boy I. Anthony Boy I. Anthony Fillinich Sr. Apalachee Girl Inc. Aparicio Trawlers Inc dba Marcosa. Apple Jack Inc. Aquila Seafood Inc. Aquillard Seafood. Argo Marine. Arnold's Seafood. Arroya Cruz Inc. Art & Red Inc. Arthur Chisholm. A-Seafood Express. Ashley Deeb Inc. Ashley W 648675. Asian Gulf Corp. Atlantic. Atocha Troy A LeCompte Sr. Atwood Enterprises. B & B Boats Inc. B & B Seafood. B&J Seafood. BaBe Inc. Baby Ruth. Bailey, David B Sr—Bailey's Seafood. Bailey's Seafood of Cameron Inc. Bait Inc. Bait Inc. Baker Shrimp. Bama Love Inc. Bama Sea Products Inc. Bao Hung Inc. Bao Hung Inc. Bar Shrimp. Barbara Brooks Inc. Barbara Brooks Inc. Barisich Inc. Barisich Inc. Barnacle-Bill Inc. Barney's Bait & Seafood. Barrios Seafood. Bay Boy. Bay Islander Inc. Bay Sweeper Nets. Baye's Seafood 335654. Bayou Bounty Seafood LLC. Bayou Caddy Fisheries Inc. Bayou Carlin Fisheries. Bayou Carlin Fisheries Inc. Bayou Shrimp Processors Inc. BBC Trawlers Inc. BBS Inc. Beachcomber Inc. Beachcomber Inc. Bea's Corp. Beecher's Seafood. Believer Inc. Bennett's Seafood. Benny Alexie. Bergeron's Seafood. Bertileana Corp. Best Sea-Pack of Texas Inc. Beth Lomonte Inc. Beth Lomonte Inc. Betty B. Betty H Inc. Bety Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			BF Millis & Sons Seafood. Big Daddy Seafood Inc. Big Grapes Inc. Big Kev. Big Oak Seafood. Big Oak Seafood. Big Oaks Seafood. Big Shrimp Inc. Billy J Foret—BJF Inc. Billy Sue Inc. Billy Sue Inc. Biloxi Freezing & Processing. Binh Duong. BJB LLC. Blain & Melissa Inc. Blanca Cruz Inc. Blanchard & Cheramie Inc. Blanchard Seafood. Blazing Sun Inc. Blazing Sun Inc. Blue Water Seafood. Bluewater Shrimp Co. Bluffton Oyster Co. Boat Josey Wales. Boat Josey Wales LLC. Boat Monica Kiff. Boat Warrior. Bob-Rey Fisheries Inc. Bodden Trawlers Inc. Bolillo Prieto Inc. Bon Secour Boats Inc. Bon Secour Fisheries Inc. Bon Secur Boats Inc. Bonnie Lass Inc. Boone Seafood. Bosarge Boats. Bosarge Boats. Bosarge Boats Inc. Bottom Verification LLC. Bowers Shrimp. Bowers Shrimp Farm. Bowers Valley Shrimp Inc. Brad Friloux. Brad Nicole Seafood. Bradley John Inc. Bradley's Seafood Mkt. Brava Cruz Inc. Brenda Darlene Inc. Brett Anthony. Bridgeside Marina. Bridgeside Seafood. Bridget's Seafood Service Inc. Bridget's Seafood Service Inc. BRS Seafood. BRS Seafood. Bruce W Johnson Inc. Bubba Daniels Inc. Bubba Tower Shrimp Co. Buccaneer Shrimp Co. Buchmer Inc. Buck & Peed Inc. Buddy Boy Inc. Buddy's Seafood. Bumble Bee Seafoods LLC. Bumble Bee Seafoods LLC. Bundy Seafood. Bundy's Seafood. Bunny's Shrimp. Burgbe Gump Seafood. Burnell Trawlers Inc. Burnell Trawlers Inc/Mamacita/Swamp Irish. Buster Brown Inc. By You Seafood.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			C & R Trawlers Inc. CA Magwood Enterprises Inc. Cajun Queen of LA LLC. Calcasien Point Bait N More Inc. Cam Ranh Bay. Camardelle's Seafood. Candy Inc. Cao Family Inc. Cap Robear. Cap'n Bozo Inc. Capn Jasper's Seafood Inc. Capt Aaron. Capt Adam. Capt Anthony Inc. Capt Bean (Richard A Ragas). Capt Beb Inc. Capt Bill Jr Inc. Capt Brother Inc. Capt Bubba. Capt Buck. Capt Carl. Capt Carlos Trawlers Inc. Capt Chance Inc. Capt Christopher Inc. Capt Chuckie. Capt Craig. Capt Craig Inc. Capt Crockett Inc. Capt Darren Hill Inc. Capt Dennis Inc. Capt Dickie Inc. Capt Dickie V Inc. Capt Doug. Capt Eddie Inc. Capt Edward Inc. Capt Eli's. Capt Elroy Inc. Capt Ernest LLC. Capt Ernest LLC. Capt GDA Inc. Capt George. Capt H & P Corp. Capt Havey Seafood. Capt Henry Seafood Dock. Capt Huy. Capt JDL Inc. Capt Jimmy Inc. Capt Joe. Capt Johnny II. Capt Jonathan. Capt Jonathan Inc. Capt Joshua Inc. Capt Jude 520556 13026. Capt Ken. Capt Kevin Inc. Capt Ko Inc. Capt Koung Lim. Capt Larry Seafood Market. Capt Larry's Inc. Capt LC Corp. Capt LD Seafood Inc. Capt Linton Inc. Capt Mack Inc. Capt Marcus Inc. Capt Morris. Capt Opie. Capt P Inc. Capt Pappie Inc. Capt Pat. Capt Paw Paw. Capt Pete Inc. Capt Peter Long Inc. Capt Pool Bear II's Seafood.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Capt Quang. Capt Quina Inc. Capt Richard. Capt Ross Inc. Capt Roy. Capt Russell Jr Inc. Capt Ryan Inc. Capt Ryan's. Capt Sam. Capt Sang. Capt Scar Inc. Capt Scott. Capt Scott 5. Capt Scott Seafood. Capt Sparkers Shrimp. Capt St Peter. Capt T&T Corp. Capt Thien. Capt Tommy Inc. Capt Two Inc. Capt Van's Seafood. Capt Walley Inc. Capt Zoe Inc. Captain Allen's Bait & Tackle. Captain Arnulfo Inc. Captain Blair Seafood. Captain Dexter Inc. Captain D's. Captain Homer Inc. Captain Jeff. Captain JH III Inc. Captain Joshua. Captain Larry'O. Captain Miss Cammy Nhung. Captain Regis. Captain Rick. Captain T/Thiet Nguyen. Captain Tony. Captain Truong Phi Corp. Captain Vinh. Cap't-Brandon. Captian Thomas Trawler Inc. Carlino Seafood. Carly Sue Inc. Carmelita Inc. Carolina Lady Inc. Carolina Sea Foods Inc. Caroline and Calandra Inc. Carson & Co. Carson & Co Inc. Cary Encalade Trawling. Castellano's Corp. Cathy Cheramie Inc. CBS Seafood & Catering LLC. CBS Seafood & Catering LLC. Cecilia Enterprise Inc. CF Gollot & Son Sfd Inc. CF Gollott and Son Seafood Inc. Chackbay Lady. Chad & Chaz LLC. Challenger Shrimp Co Inc. Chalmette Marine Supply Co Inc. Chalmette Net & Trawl. Chapa Shrimp Trawlers. Chaplin Seafood. Charlee Girl. Charles Guidry Inc. Charles Sellers. Charles White. Charlotte Maier Inc. Charlotte Maier Inc. Chef Seafood Ent LLC. Cheramies Landing.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Cherry Pt Seafood. Cheryl Lynn Inc. Chez Francois Seafood. Chilling Pride Inc. Chin Nguyen Co. Chin Nguyen Co. Chinatown Seafood Co Inc. Chines Cajun Net Shop. Chris Hansen Seafood. Christian G Inc. Christina Leigh Shrimp Co. Christina Leigh Shrimp Company Inc. Christina Leigh Shrimp Company Inc. Cieutat Trawlers. Cinco de Mayo Inc. Cindy Lynn Inc. Cindy Mae Inc. City Market Inc. CJ Seafood. CJs Seafood. Clifford Washington. Clinton Hayes—C&S Enterprises of Brandon Inc. Cochran's Boat Yard. Colorado River Seafood. Colson Marine. Comm Fishing. Commercial Fishing Service CFS Seafoods. Cong Son. Cong-An Inc. Country Girl Inc. Country Inc. Courtney & Ory Inc. Cowdrey Fish. Cptn David. Crab-Man Bait Shop. Craig A Wallis, Keith Wallis dba W&W Dock & 10 boats. Cristina Seafood. CRJ Inc. Cruillas Inc. Crusader Inc. Crustacean Frustration. Crystal Gayle Inc. Crystal Light Inc. Crystal Light Inc. Curtis Henderson. Custom Pack Inc. Custom Pack Inc. Cyril's Ice House & Supplies. D & A Seafood. D & C Seafood Inc. D & J Shrimping LLC. D & M Seafood & Rental LLC. D Ditcharo Jr Seafoods. D G & R C Inc. D S L & R Inc. D&T Marine Inc. Daddys Boys. DaHa Inc/Cat'Sass. DAHAPA Inc. Dale's Seafood Inc. Dang Nguyen. Daniel E Lane. Danny Boy Inc. Danny Max. David & Danny Inc. David C Donnelly. David Daniels. David Ellison Jr. David Gollott Sfd Inc. David W Casanova's Seafood. David White. David's Shrimping Co. Davis Seafood.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Davis Seafood. Davis Seafood Inc. Dawn Marie. Deana Cheramie Inc. Deanna Lea. Dean's Seafood. Deau Nook. Debbe Anne Inc. Deep Sea Foods Inc/Jubilee Foods Inc. Delcambre Seafood. Dell Marine Inc. Dennis Menesses Seafood. Dennis' Seafood Inc. Dennis Shrimp Co Inc. Desperado. DFS Inc. Diamond Reef Seafood. Diem Inc. Dinh Nguyen. Dixie General Store LLC. Dixie Twister. Dominick's Seafood Inc. Don Paco Inc. Donald F Boone II. Dong Nguyen. Donini Seafoods Inc. Donna Marie. Donovan Tien I & II. Dopson Seafood. Dorada Cruz Inc. Double Do Inc. Double Do Inc. Doug and Neil Inc. Douglas Landing. Doxey's Oyster & Shrimp. Dragnet II. Dragnet Inc. Dragnet Seafood LLC. Dubberly's Mobile Seafood. Dudenhefer Seafood. Dugas Shrimp Co LLC. Dunamis Towing Inc. Dupree's Seafood. Duval & Duval Inc. Dwayne's Dream Inc. E & M Seafood. E & T Boating. E Gardner McClellan. E&E Shrimp Co Inc. East Coast Seafood. East Coast Seafood. East Coast Seafood. East Coast Seafood. Edisto Queen LLC. Edward Garcia Trawlers. EKV Inc. El Pedro Fishing & Trading Co Inc. Eliminator Inc. Elizabeth Nguyen. Ellerbee Seafoods. Ellie May. Elmira Pflueckhahn Inc. Elmira Pflueckhahn Inc. Elvira G Inc. Emily's SFD. Emmanuel Inc. Ensenada Cruz Inc. Enterprise. Enterprise Inc. Equalizer Shrimp Co Inc. Eric F Dufrene Jr LLC. Erica Lynn Inc. Erickson & Jensen Seafood Packers.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Ethan G Inc. Excalibur LLC. F/V Apalachee Warrior. F/V Atlantis I. F/V Capt Walter B. F/V Captain Andy. F/V Eight Flags. F/V Mary Ann. F/V Miss Betty. F/V Morning Star. F/V Nam Linh. F/V Olivia B. F/V Phuoc Thanh Mai II. F/V Sea Dolphin. F/V Southern Grace. F/V Steven Mai. F/V Steven Mai II. Famer Boys Catfish Kitchens. Family Thing. Father Casimir Inc. Father Dan Inc. Father Mike Inc. Fiesta Cruz Inc. Fine Shrimp Co. Fire Fox Inc. Fisherman's Reef Shrimp Co. Fishermen IX Inc. Fishing Vessel Enterprise Inc. Five Princesses Inc. FKM Inc. Fleet Products Inc. Flower Shrimp House. Flowers Seafood Co. Floyd's Wholesale Seafood Inc. Fly By Night Inc. Forest Billiot Jr. Fortune Shrimp Co Inc. FP Oubre. Francis Brothers Inc. Francis Brothers Inc. Francis III. Frank Toomer Jr. Fran-Tastic Too. Frederick-Dan. Freedom Fishing Inc. Freeman Seafood. Frelich Seafood Inc. Frenchie D–282226. Fripp Point Seafood. G & L Trawling Inc. G & O Shrimp Co Inc. G & O Trawlers Inc. G & S Trawlers Inc. G D Ventures II Inc. G G Seafood. G R LeBlanc Trawlers Inc. Gail's Bait Shop. Gale Force Inc. Gambler Inc. Gambler Inc. Garijak Inc. Gary F White. Gator's Seafood. Gay Fish Co. Gay Fish Co. GeeChee Fresh Seafood. Gemita Inc. Gene P Callahan Inc. George J Price Sr Ent Inc. Georgia Shrimp Co LLC. Gerica Marine. Gilden Enterprises. Gillikin Marine Railways Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Gina K Inc. Gisco Inc. Gisco Inc. Glenda Guidry Inc. Gloria Cruz Inc. Go Fish Inc. God's Gift. God's Gift Shrimp Vessel. Gogie. Gold Coast Seafood Inc. Golden Gulf Coast Pkg Co Inc. Golden Phase Inc. Golden Text Inc. Golden Text Inc. Golden Text Inc. Goldenstar. Gollott Brothers Sfd Co Inc. Gollott's Oil Dock & Ice House Inc. Gonzalez Trawlers Inc. Gore Enterprises Inc. Gore Enterprizes Inc. Gore Seafood Co. Gore Seafood Inc. Gove Lopez. Graham Fisheries Inc. Graham Shrimp Co Inc. Graham Shrimp Co Inc. Gramps Shrimp Co. Grandma Inc. Grandpa's Dream. Grandpa's Dream. Granny's Garden and Seafood. Green Flash LLC. Greg Inc. Gregory Mark Gaubert. Gregory Mark Gaubert. Gregory T Boone. Gros Tete Trucking Inc. Guidry's Bait Shop. Guidry's Net Shop. Gulf Central Seaood Inc. Gulf Crown Seafood Co Inc. Gulf Fish Inc. Gulf Fisheries Inc. Gulf Island Shrimp & Seafood II LLC. Gulf King Services Inc. Gulf Pride Enterprises Inc. Gulf Seaway Seafood Inc. Gulf Shrimp. Gulf South Inc. Gulf Stream Marina LLC. Gulf Sweeper Inc (Trawler Gulf Sweeper). Gypsy Girl Inc. H & L Seafood. Hack Berry Seafood. Hagen & Miley Inc. Hailey Marie Inc. Hanh Lai Inc. Hannah Joyce Inc. Hardy Trawlers. Hardy Trawlers. Harrington Fish Co Inc. Harrington Seafood & Supply Inc. Harrington Shrimp Co Inc. Harrington Trawlers Inc. Harris Fisheries Inc. Hazel's Hustler. HCP LLC. Heather Lynn Inc. Heavy Metal Inc. Hebert Investments Inc. Hebert's Mini Mart LLC. Helen E Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Helen Kay Inc. Helen Kay Inc. Helen W Smith Inc. Henderson Seafood. Henry Daniels Inc. Hermosa Cruz Inc. Hi Seas of Dulac Inc. Hien Le Van Inc. High Hope Inc. Hoang Anh. Hoang Long I, II. Holland Enterprises. Holly Beach Seafood. Holly Marie's Seafood Market. Hombre Inc. Home Loving Care Co. Hondumex Ent Inc. Hong Nga Inc. Hongri Inc. Houston Foret Seafood. Howerin Trawlers Inc. HTH Marine Inc. Hubbard Seafood. Hurricane Emily Seafood Inc. Hutcherson Christian Shrimp Inc. Huyen Inc. Icy Seafood II Inc. ICY Seafood Inc. Icy Seafood Inc. Ida's Seafood Rest & Market. Ike & Zack Inc. Independent Fish Company Inc. Inflation Inc. Integrity Fisheries Inc. Integrity Fishing Inc. International Oceanic Ent. Interstate Vo LLC. Intracoastal Seafood Inc. Iorn Will Inc. Irma Trawlers Inc. Iron Horse Inc. Isabel Maier Inc. Isabel Maier Inc. Isla Cruz Inc. J & J Rentals Inc. J & J Trawler's Inc. J & R Seafood. J Collins Trawlers. J D Land Co. Jackie & Hiep Trieu. Jacob A Inc. Jacquelin Marie Inc. Jacquelin Marie Inc. James D Quach Inc. James E Scott III. James F Dubberly. James Gadson. James J Matherne Jr. James J Matherne Sr. James Kenneth Lewis Sr. James LaRive Jr. James W Green Jr dba Miss Emilie Ann. James W Hicks. Janet Louise Inc. Jani Marie. JAS Inc. JBS Packing Co Inc. JBS Packing Inc. JCM. Jean's Bait. Jeff Chancey. Jemison Trawler's Inc. Jenna Dawn LLC.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Jennifer Nguyen—Capt T. Jensen Seafood Pkg Co Inc. Jesse LeCompte Jr. Jesse LeCompte Sr. Jesse Shantelle Inc. Jessica Ann Inc. Jessica Inc. Jesus G Inc. Jimmy and Valerie Bonvillain. Jimmy Le Inc. Jim's Cajen Shrimp. Joan of Arc Inc. JoAnn and Michael W Daigle. Jody Martin. Joe Quach. Joel's Wild Oak Bait Shop & Fresh Seafood. John A Norris. John J Alexie. John Michael E Inc. John V Alexie. Johnny & Joyce's Seafood. Johnny O Co. Johnny's Seafood. John's Seafood. Joker's Wild. Jones—Kain Inc. Joni John Inc (Leon J Champagne). Jon's C Seafood Inc. Joseph Anthony. Joseph Anthony Inc. Joseph Garcia. Joseph Martino. Joseph Martino Corp. Joseph T Vermeulen. Josh & Jake Inc. Joya Cruz Inc. JP Fisheries. Julie Ann LLC. Julie Hoang. Julie Shrimp Co Inc (Trawler Julie). Julio Gonzalez Boat Builders Inc. Justin Dang. JW Enterprise. K & J Trawlers. K&D Boat Company. K&S Enterprises Inc. Kalliainen Seafoods Inc. KAM Fishing. Kandi Sue Inc. Karl M Belsome LLC. KBL Corp. KDH Inc. Keith M Swindell. Kellum's Seafood. Kellum's Seafood. Kelly Marie Inc. Ken Lee's Dock LLC. Kenneth Guidry. Kenny-Nancy Inc. Kentucky Fisheries Inc. Kentucky Trawlers Inc. Kevin & Bryan (M/V). Kevin Dang. Khang Dang. Khanh Huu Vu. Kheng Sok Shrimping. Kim & James Inc. Kim Hai II Inc. Kim Hai Inc. Kim's Seafood. Kingdom World Inc. Kirby Seafood. Klein Express.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			KMB Inc. Knight's Seafood Inc. Knight's Seafood Inc. Knowles Noel Camardelle. Kramer's Bait Co. Kris & Cody Inc. KTC Fishery LLC. L & M. L & N Friendship Corp. L & O Trawlers Inc. L & T Inc. L&M. LA—3184 CA. La Belle Idee. La Macarela Inc. La Pachita Inc. LA–6327–CA. LaBauve Inc. LaBauve Inc. Lade Melissa Inc. Lady Agnes II. Lady Agnes III. Lady Amelia Inc. Lady Anna I. Lady Anna II. Lady Barbara Inc. Lady Carolyn Inc. Lady Catherine. Lady Chancery Inc. Lady Chelsea Inc. Lady Danielle. Lady Debra Inc. Lady Dolcina Inc. Lady Gail Inc. Lady Katherine Inc. Lady Kelly Inc. Lady Kelly Inc. Lady Kristie. Lady Lavang LLC. Lady Liberty Seafood Co. Lady Lynn Ltd. Lady Marie Inc. Lady Melissa Inc. Lady Shelly. Lady Shelly. Lady Snow Inc. Lady Stephanie. Lady Susie Inc. Lady Kim T Inc. Lady TheLna. Lady Toni Inc. Lady Veronica. Lafitte Frozen Foods Corp. Lafont Inc. Lafourche Clipper Inc. Lafourche Clipper Inc. Lamarah Sue Inc. Lan Chi Inc. Lan Chi Inc. Lancero Inc. Lanny Renard and Daniel Bourque. Lapeyrouse Seafood Bar Groc Inc. Larry G Kellum Sr. Larry Scott Freeman. Larry W Hicks. Lasseigne & Sons Inc. Laura Lee. Lauren O. Lawrence Jacobs Sfd. Lazaretta Packing Inc. Le & Le Inc. Le Family Inc. Le Family Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Le Tra Inc. Leek & Millington Trawler Privateeer. Lee's Sales & Distribution. Leonard Shrimp Producers Inc. Leoncea B Regnier. Lerin Lane. Li Johnson. Liar Liar. Libertad Fisheries Inc. Liberty I. Lighthouse Fisheries Inc. Lil Aly. Lil Arthur Inc. Lil BJ LLC. Lil Robbie Inc. Lil Robbie Inc. Lil Robin. Lil Robin. Lilla. Lincoln. Linda & Tot Inc. Linda Cruz Inc. Linda Hoang Shrimp. Linda Lou Boat Corp. Linda Lou Boat Corp. Lisa Lynn Inc. Lisa Lynn Inc. Little Andrew Inc. Little Andy Inc. Little Arthur. Little David Gulf Trawler Inc. Little Ernie Gulf Trawler Inc. Little Ken Inc. Little Mark. Little William Inc. Little World. LJL Inc. Long Viet Nguyen. Longwater Seafood dba Ryan H Longwater. Louisiana Gulf Shrimp LLC. Louisiana Lady Inc. Louisiana Man. Louisiana Newpack Shrimp Co Inc. Louisiana Pride Seafood Inc. Louisiana Pride Seafood Inc. Louisiana Seafood Dist LLC. Louisiana Shrimp & Packing Inc. Louisiana Shrimp and Packing Co Inc. Lovely Daddy II & III. Lovely Jennie. Low Country Lady (Randolph N Rhodes). Low County Lady. Luchador Inc. Lucky. Lucky I. Lucky Jack Inc. Lucky Lady. Lucky Lady II. Lucky Leven Inc. Lucky MV. Lucky Ocean. Lucky Sea Star Inc. Lucky Star. Lucky World. Lucky's Seafood Market & Poboys LLC. Luco Drew's. Luisa Inc. Lupe Martinez Inc. LV Marine Inc. LW Graham Inc. Lyle LeCompte. Lynda Riley Inc. Lynda Riley Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			M & M Seafood. M V Sherry D. M V Tony Inc. M&C Fisheries. M/V Baby Doll. M/V Chevo's Bitch. M/V Lil Vicki. M/V Loco-N Motion. M/V Patsy K #556871. M/V X L. Mabry Allen Miller Jr. Mad Max Seafood. Madera Cruz Inc. Madison Seafood. Madlin Shrimp Co Inc. Malibu. Malolo LLC. Mamacita Inc. Man Van Nguyen. Manteo Shrimp Co. Marco Corp. Marcos A. Maria Elena Inc. Maria Sandi. Mariachi Trawlers Inc. Mariah Jade Shrimp Company. Marie Teresa Inc. Marine Fisheries. Marisa Elida Inc. Mark and Jace. Marleann. Martin's Fresh Shrimp. Mary Bea Inc. Master Brandon Inc. Master Brock. Master Brock. Master Dylan. Master Gerald Trawlers Inc. Master Hai. Master Hai II. Master Henry. Master Jared Inc. Master Jhy Inc. Master John Inc. Master Justin Inc. Master Justin Inc. Master Ken Inc. Master Kevin Inc. Master Martin Inc. Master Mike Inc. Master NT Inc. Master Pee-Wee. Master Ronald Inc. Master Scott. Master Scott II. Master Seelos Inc. Master T. Master Tai LLC. Master Tai LLC. Mat Roland Seafood Co. Maw Doo. Mayflower. McQuaig Shrimp Co Inc. Me Kong. Melerine Seafood. Melody Shrimp Co. Mer Shrimp Inc. Michael Lynn. Michael Nguyen. Michael Saturday's Fresh Every Day South Carolina. Shrimp. Mickey Nelson Net Shop. Mickey's Net.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Midnight Prowler. Mike's Seafood Inc. Miley's Seafood Inc. Militello and Son Inc. Miller & Son Seafood Inc. Miller Fishing. Milliken & Son's. Milton J Dufrene and Son Inc. Milton Yopp—Capt'n Nathan & Thomas Winfield. Minh & Liem Doan. Mis Quynh Chi II. Miss Adrianna Inc. Miss Alice Inc. Miss Ann Inc. Miss Ann Inc. Miss Ashleigh. Miss Ashleigh Inc. Miss Barbara. Miss Barbara Inc. Miss Bernadette A Inc. Miss Bertha (M/V). Miss Beverly Kay. Miss Brenda. Miss Candace. Miss Candace Nicole Inc. Miss Carla Jean Inc. Miss Caroline Inc. Miss Carolyn Louise Inc. Miss Caylee. Miss Charlotte Inc. Miss Christine III. Miss Cleda Jo Inc. Miss Courtney Inc. Miss Courtney Inc. Miss Cynthia. Miss Danielle Gulf Trawler Inc. Miss Danielle LLC. Miss Dawn. Miss Ellie Inc. Miss Faye LLC. Miss Fina Inc. Miss Georgia Inc. Miss Hannah. Miss Hannah Inc. Miss Hazel Inc. Miss Hilary Inc. Miss Jennifer Inc. Miss Joanna Inc. Miss Julia. Miss Kandy Tran LLC. Miss Kandy Tran LLC. Miss Karen. Miss Kathi Inc. Miss Kathy. Miss Kaylyn LLC. Miss Khayla. Miss Lil. Miss Lillie Inc. Miss Liz Inc. Miss Loraine. Miss Loraine Inc. Miss Lori Dawn IV Inc. Miss Lori Dawn V Inc. Miss Lori Dawn VI Inc. Miss Lori Dawn VII Inc. Miss Lorie Inc. Miss Luana D Shrimp Co. Miss Luana D Shrimp Co. Miss Madeline Inc. Miss Madison. Miss Marie. Miss Marie Inc. Miss Marilyn Louis Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Miss Marilyn Louise. Miss Marilyn Louise Inc. Miss Marissa Inc. Miss Martha Inc. Miss Martha Inc. Miss Mary T. Miss Myle. Miss Narla. Miss Nicole. Miss Nicole Inc. Miss Plum Inc. Miss Quynh Anh I. Miss Quynh Anh I LLC. Miss Quynh Anh II LLC. Miss Redemption LLC. Miss Rhianna Inc. Miss Sambath. Miss Sandra II. Miss Sara Ann. Miss Savannah. Miss Savannah II. Miss Soriya. Miss Suzanne. Miss Sylvia. Miss Than. Miss Thom. Miss Thom Inc. Miss Tina Inc. Miss Trinh Trinh. Miss Trisha Inc. Miss Trisha Inc. Miss Verna Inc. Miss Vicki. Miss Victoria Inc. Miss Vivian Inc. Miss WillaDean. Miss Winnie Inc. Miss Yvette Inc. Miss Yvonne. Misty Morn Eat. Misty Star. MJM Seafood Inc. M'M Shrimp Co Inc. Mom & Dad Inc. Mona-Dianne Seafood. Montha Sok and Tan No Le. Moon River Inc. Moon Tillett Fish Co Inc. Moonlight. Moonlight Mfg. Moore Trawlers Inc. Morgan Creek Seafood. Morgan Rae Inc. Morning Star. Morrison Seafood. Mother Cabrini. Mother Teresa Inc. Mr & Mrs Inc. Mr & Mrs Inc. Mr Coolly. Mr Fox. Mr Fox. Mr G. Mr Gaget LLC. Mr Henry. Mr Natural Inc. Mr Neil. Mr Phil T Inc. Mr Sea Inc. Mr Verdin Inc. Mr Williams. Mrs Judy Too. Mrs Tina Lan Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Ms Alva Inc. Ms An. My Angel II. My Blues. My Dad Whitney Inc. My Girls LLC. My Thi Tran Inc. My Three Sons Inc. My V Le Inc. My-Le Thi Nguyen. Myron A Smith Inc. Nancy Joy. Nancy Joy Inc. Nancy Joy Inc. Nanny Granny Inc. Nanny Kat Seafood LLC. Napolean Seafoods. Napoleon II. Napoleon Seafood. Napoleon SF. Naquin's Seafood. Nautilus LLC. Nelma Y Lane. Nelson and Son. Nelson Trawlers Inc. Nelson's Quality Shrimp Company. Nevgulmarco Co Inc. New Deal Comm Fishing. New Way Inc. Nguyen Day Van. Nguyen Express. Nguyen Int'l Enterprises Inc. Nguyen Shipping Inc. NHU UYEN. Night Moves of Cut Off Inc. Night Shift LLC. Night Star. North Point Trawlers Inc. North Point Trawlers Inc. Nuestra Cruz Inc. Nunez Seafood. Oasis. Ocean Bird Inc. Ocean Breeze Inc. Ocean Breeze Inc. Ocean City Corp. Ocean Emperor Inc. Ocean Harvest Wholesale Inc. Ocean Pride Seafood Inc. Ocean Seafood. Ocean Select Seafood LLC. Ocean Springs Seafood Market Inc. Ocean Wind Inc. Oceanica Cruz Inc. Odin LLC. Old Maw Inc. Ole Holbrook's Fresh Fish Market LLC. Ole Nelle. One Stop Bait & Ice. Open Sea Inc. Orage Enterprises Inc. Orn Roeum Shrimping. Otis Cantrelle Jr. Otis M Lee Jr. Owens Shrimping. Palmetto Seafood Inc. Papa Rod Inc. Papa T. Pappy Inc. Pappy's Gold. Parfait Enterprises Inc. Paris/Asia. Parramore Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Parrish Shrimping Inc. Pascagoula Ice & Freezer Co Inc. Pat-Lin Enterprises Inc. Patricia Foret. Patrick Sutton Inc. Patty Trish Inc. Paul Piazza and Son Inc. Paw Paw Allen. Paw Paw Pride Inc. Pearl Inc dba Indian Ridge Shrimp Co. Pei Gratia Inc. Pelican Point Seafood Inc. Penny V LLC. Perlita Inc. Perseverance I LLC. Pete & Queenie Inc. Phat Le and Le Tran. Phi Long Inc. Phi-Ho LLC. Pip's Place Marina Inc. Plaisance Trawlers Inc. Plata Cruz Inc. Poc-Tal Trawlers Inc. Pointe-Aux-Chene Marina. Pontchautrain Blue Crab. Pony Express. Poppee. Poppy's Pride Seafood. Port Bolivar Fisheries Inc. Port Marine Supplies. Port Royal Seafood Inc. Poteet Seafood Co Inc. Potter Boats Inc. Price Seafood Inc. Prince of Tides. Princess Ashley Inc. Princess Celine Inc. Princess Cindy Inc. Princess Lorie LLC. Princess Mary Inc. Prosperity. PT Fisheries Inc. Punch's Seafood Mkt. Purata Trawlers Inc. Pursuer Inc. Quality Seafood. Quang Minh II Inc. Queen Lily Inc. Queen Mary. Queen Mary Inc. Quinta Cruz Inc. Quoc Bao Inc. Quynh NHU Inc. Quynh Nhu Inc. R & J Inc. R & K Fisheries LLC. R & L Shrimp Inc. R & P Fisheries. R & R Bait/Seafood. R & S Shrimping. R & T Atocha LLC. R&D Seafood. R&K Fisheries LLC. R&R Seafood. RA Lesso Brokerage Co Inc. RA Lesso Seafood Co Inc. Rachel-Jade. Ralph Lee Thomas Jr. Ralph W Jones. Ramblin Man Inc. Ranchero Trawlers Inc. Randall J Pinell Inc. Randall J Pinell Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Randall K and Melissa B Richard. Randall Pinell. Randy Boy Inc. Randy Boy Inc. Rang Dong. Raul L Castellanos. Raul's Seafood. Raul's Seafood. Rayda Cheramie Inc. Raymond LeBouef. RCP Seafood I II III. RDR Shrimp Inc. Reagan's Seafood. Rebecca Shrimp Co Inc. Rebel Seafood. Regulus. Rejimi Inc. Reno's Sea Food. Res Vessel. Reyes Trawlers Inc. Rick's Seafood Inc. Ricky B LLC. Ricky G Inc. Riffle Seafood. Rigolets Bait & Seafood LLC. Riverside Bait & Tackle. RJ's. Roatex Ent Inc. Robanie C Inc. Robanie C Inc. Robanie C Inc. Robert E Landry. Robert H Schrimpf. Robert Johnson. Robert Keenan Seafood. Robert Upton or Terry Upton. Robert White Seafood. Rockin Robbin Fishing Boat Inc. Rodney Hereford Jr. Rodney Hereford Sr. Rodney Hereford Sr. Roger Blanchard Inc. Rolling On Inc. Romo Inc. Ronald Louis Anderson Jr. Rosa Marie Inc. Rose Island Seafood. RPM Enterprises LLC. Rubi Cruz Inc. Ruf-N-Redy Inc. Ruttley Boys Inc. Sadie D Seafood. Safe Harbour Seafood Inc. Salina Cruz Inc. Sally Kim III. Sally Kim IV. Sam Snodgrass & Co. Samaira Inc. San Dia. Sand Dollar Inc. Sandy N. Sandy O Inc. Santa Fe Cruz Inc. Santa Maria I Inc. Santa Maria II. Santa Monica Inc. Scavanger. Scooby Inc. Scooby Inc. Scottie and Juliette Dufrene. Scottie and Juliette Dufrene. Sea Angel. Sea Angel Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Sea Bastion Inc. Sea Drifter Inc. Sea Durbin Inc. Sea Eagle. Sea Eagle Fisheries Inc. Sea Frontier Inc. Sea Gold Inc. Sea Gulf Fisheries Inc. Sea Gypsy Inc. Sea Hawk I Inc. Sea Horse Fisheries. Sea Horse Fisheries Inc. Sea King Inc. Sea Pearl Seafood Company Inc. Sea Queen IV. Sea Trawlers Inc. Sea World. Seabrook Seafood Inc. Seabrook Seafood Inc. Seafood & Us Inc. Seaman's Magic Inc. Seaman's Magic Inc. Seaside Seafood Inc. Seaweed 2000. Seawolf Seafood. Second Generation Seafood. Shark Co Seafood Inter Inc. Sharon—Ali Michelle Inc. Shelby & Barbara Seafood. Shelby & Barbara Seafood. Shelia Marie LLC. Shell Creek Seafood Inc. Shirley Elaine. Shirley Girl LLC. Shrimp Boat Patrice. Shrimp Boating Inc. Shrimp Express. Shrimp Man. Shrimp Networks Inc. Shrimp Trawler. Shrimper. Shrimper. Shrimpy's. Si Ky Lan Inc. Si Ky Lan Inc. Si Ky Lan Inc. Sidney Fisheries Inc. Silver Fox. Silver Fox LLC. Simon. Sims Shrimping. Skip Toomer Inc. Skip Toomer Inc. Skyla Marie Inc. Smith & Sons Seafood Inc. Snowdrift. Snowdrift. Sochenda. Soeung Phat. Son T Le Inc. Son's Pride Inc. Sophie Marie Inc. Soul Mama Inc. Souther Obsession Inc. Southern Lady. Southern Nightmare Inc. Southern Star. Southshore Seafood. Spencers Seafood. Sprig Co Inc. St Anthony Inc. St Daniel Phillip Inc. St Dominic.

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			St Joseph. St Joseph. St Joseph II Inc. St Joseph III Inc. St Joseph IV Inc. St Martin. St Martyrs VN. St Mary Seafood. St Mary Seven. St Mary Tai. St Michael Fuel & Ice Inc. St Michael's Ice & Fuel. St Peter. St Peter 550775. St Teresa Inc. St Vincent Andrew Inc. St Vincent Gulf Shrimp Inc. St Vincent One B. St Vincent One B Inc. St Vincent SF. St Vincent Sfd Inc. Start Young Inc. Steamboat Bills Seafood. Stella Mestre Inc. Stephen Dantin Jr. Stephney's Seafood. Stipelcovich Marine Wks. Stone-Co Farms LP. Stone-Co Farms LP. Stormy Sean Inc. Stormy Seas Inc. Sun Star Inc. Sun Swift Inc. Sunshine. Super Coon Inc. Super Cooper Inc. Swamp Irish Inc. Sylvan P Racine Jr—Capt Romain. T & T Seafood. T Brothers. T Cvitanovich Seafood LLC. Ta Do. Ta T Vo Inc. Ta T Vo Inc. Tana Inc. Tanya Lea Inc. Tanya Lea Inc. Tanya Lea Inc. Tasha Lou. T-Brown Inc. Tee Frank Inc. Tee Tigre Inc. Tercera Cruz Inc. Terrebonne Seafood Inc. Terri Monica. Terry Luke Corp. Terry Luke Corp. Terry Luke Corp. Terry Lynn Inc. Te-Sam Inc. Texas 1 Inc. Texas 18 Inc. Texas Lady Inc. Texas Pack Inc. Tex-Mex Cold Storage Inc. Tex-Mex Cold Storage Inc. Thai & Tran Inc. Thai Bao Inc. Thanh Phong. The Boat Phat Tai. The Fishermans Dock. The Last One. The Light House Bait & Seafood Shack LLC.

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			The Mayporter Inc. The NGO. The Seafood Shed. Thelma J Inc. Theresa Seafood Inc. Third Tower Inc. Thomas Winfield—Capt Nathan. Thompson Bros. Three C's. Three Dads. Three Sons. Three Sons Inc. Three Sons Inc. Thunder Roll. Thunderbolt Fisherman's Seafood Inc. Thy Tra Inc. Thy Tra Inc. Tidelands Seafood Co Inc. Tiffani Claire Inc. Tiffani Claire Inc. Tiger Seafood. Tikede Inc. Timmy Boy Corp. Tina Chow. Tina T LLC. Tino Mones Seafood. TJ's Seafood. Toan Inc. Todd Co. Todd's Fisheries. Tom LE LLC. Tom Le LLC. Tom N & Bill N Inc. Tommy Bui dba Mana II. Tommy Cheramie Inc. Tommy Gulf Sea Food Inc. Tommy's Seafood Inc. Tonya Jane Inc. Tony-N. Tookie Inc. Tot & Linda Inc. T-Pops Inc. Tran Phu Van. Tran's Express Inc. Travis—Shawn. Travis—Shawn. Trawler Azteca. Trawler Becky Lyn Inc. Trawler Capt GC. Trawler Capt GC II. Trawler Dalia. Trawler Doctor Bill. Trawler Gulf Runner. Trawler HT Seaman. Trawler Joyce. Trawler Kristi Nicole. Trawler Kyle & Courtney. Trawler Lady Catherine. Trawler Lady Gwen Doe. Trawler Linda B Inc. Trawler Linda June. Trawler Little Brothers. Trawler Little Gavino. Trawler Little Rookie Inc. Trawler Mary Bea. Trawler Master Alston. Trawler Master Jeffrey Inc. Trawler Michael Anthony Inc. Trawler Mildred Barr. Trawler Miss Alice Inc. Trawler Miss Jamie. Trawler Miss Kelsey. Trawler Miss Sylvia Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Trawler Mrs Viola. Trawler Nichols Dream. Trawler Raindear Partnership. Trawler Rhonda Kathleen. Trawler Rhonda Lynn. Trawler Sandra Kay. Trawler Sarah Jane. Trawler Sea Wolf. Trawler Sea Wolf. Trawler SS Chaplin. Trawler The Mexican. Trawler Wallace B. Trawler Wylie Milam. Triple C Seafood. Triple T Enterprises Inc. Triplets Production. Tropical SFD. Troy A LeCompte Sr. True World Foods Inc. T's Seafood. Tu Viet Vu. TVN Marine Inc. TVN Marine Inc. Two Flags Inc. Tyler James. Ultima Cruz Inc. UTK Enterprises Inc. V & B Shrimping LLC. Valona Sea Food. Valona Seafood Inc. Van Burren Shrimp Co. Vaquero Inc. Varon Inc. Venetian Isles Marina. Venice Seafood Exchange Inc. Venice Seafood LLC. Vera Cruz Inc. Veronica Inc. Versaggi Shrimp Corp. Victoria Rose Inc. Viet Giang Corp. Vigilante Trawlers Inc. Village Creek Seafood. Villers Seafood Co Inc. Vina Enterprises Inc. Vincent L Alexie Jr. Vincent Piazza Jr & Sons Seafood Inc. Vin-Penny. Vivian Lee Inc. Von Harten Shrimp Co Inc. VT & L Inc. Vu NGO. Vu-Nguyen Partners. W L & O Inc. Waccamaw Producers. Wait-N-Sea Inc. Waller Boat Corp. Walter R Hicks. Ward Seafood Inc. Washington Seafood. Watermen Industries Inc. Watermen Industries Inc. Waymaker Inc. Wayne Estay Shrimp Co Inc. WC Trawlers Inc. We Three Inc. We Three Inc. Webster's Inc. Weems Bros. Weems Bros. Weems Bros. Weems Bros. Weems Bros.

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