

record sources in this system than has been published in the **Federal Register**. Should the subsection be so interpreted, exemption from this provision is necessary to protect the sources of law enforcement and intelligence information and to protect the privacy and safety of witnesses and informants and others who provide information to the DOJ. Further, greater specificity of sources of properly classified records could compromise national security.

(7) From subsection (e)(5) because in the collection of information for authorized law enforcement and intelligence purposes, including efforts to detect, deter, and/or mitigate insider threats, due to the nature of investigations and intelligence collection, the DOJ often collects information that may not be immediately shown to be accurate, relevant, timely, and complete, although the DOJ takes reasonable steps to collect only the information necessary to support its mission and investigations. Additionally, the information may aid in establishing patterns of activity and providing criminal or intelligence leads. It could impede investigative progress if it were necessary to assure relevance, accuracy, timeliness and completeness of all information obtained throughout the course and within the scope of an investigation. Further, some of the records in this system may come from other domestic or foreign government entities, or private entities, and it would not be administratively feasible for the DOJ to vouch for the compliance of these agencies with this provision.

Dated: May 19, 2017.

**Peter A. Winn,**

*Acting Chief Privacy and Civil Liberties Officer, United States Department of Justice.*

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**BILLING CODE 4410-NW-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 62

[EPA-R08-OAR-2017-0171; FRL-9963-20-Region 8]

#### Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming; Negative Declarations

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) proposes to approve

negative declarations submitted by the states of Colorado, Montana, North Dakota, South Dakota, and Wyoming, which certify that no small municipal waste combustor (MWC) units subject to sections 111(d) and 129 of the Clean Air Act (CAA) exist in those states. Second, EPA proposes to approve renewed negative declarations submitted by the states of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming, which certify that no large MWC units subject to CAA sections 111(d) and 129 exist in those states. Third, EPA proposes to approve renewed negative declarations submitted by the states of Montana, South Dakota, Utah, and Wyoming, which certify that no commercial and industrial solid waste incineration (CISWI) units subject to CAA sections 111(d) and 129 exist in those states. Fourth, EPA proposes to approve negative declarations submitted by the states of Montana, North Dakota, South Dakota, Utah, and Wyoming, which certify that no other solid waste incineration (OSWI) units subject to CAA sections 111(d) and 129 exist in those states.

**DATES:** Written comments must be received on or before July 5, 2017.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R08-OAR-2017-0171 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:** Gregory Lohrke, Air Program, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-6396, [lohrke.gregory@epa.gov](mailto:lohrke.gregory@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the “Rules and Regulations” section of this **Federal Register**, the EPA is publishing a direct final rule without prior proposal to amend 40 CFR part 62 to reflect the States’ submittals of the negative declarations. The EPA views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the action is set forth in the preamble to the direct final rule. If the EPA receives no adverse comments, EPA contemplates no further action. If the EPA receives adverse comments, EPA will withdraw the direct final rule and 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. 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, 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 of the same title which is located in the “Rules and Regulations” section of this **Federal Register**.

### List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Commercial industrial solid waste incineration, Intergovernmental relations, Municipal solid waste combustion, Other solid waste incineration, Reporting and recordkeeping requirements.

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

Dated: May 12, 2017.

**Suzanne J. Bohan,**

*Acting Regional Administrator, Region 8.*

[FR Doc. 2017-11575 Filed 6-2-17; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Part 387

[Docket No. FMCSA-2014-0211]

RIN 2126-AB74

#### Financial Responsibility for Motor Carriers, Freight Forwarders, and Brokers

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Advance notice of proposed rulemaking; withdrawal.

**SUMMARY:** FMCSA withdraws its November 28, 2014 advance notice of proposed rulemaking (ANPRM) concerning financial responsibility for motor carriers, freight forwarders, and brokers. FMCSA is authorized to establish minimum levels of financial responsibility for motor carriers at or above the minimum levels set by Congress. In the ANPRM, FMCSA sought public comment on whether to exercise its discretion to increase the minimum levels of financial responsibility, and, if so, to what levels. After reviewing all public comments to the ANPRM, FMCSA has determined that it has insufficient data or information to support moving forward with a rulemaking proposal, at this time.

**DATES:** As of June 5, 2017 the proposed published on November 28, 2014 at 79 FR 70839 is withdrawn.

**FOR FURTHER INFORMATION CONTACT:** Jeff Secrist, Chief, Registration, Licensing & Insurance Division, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590-0001, by telephone at 202-385-2367 or by email at [jeff.secrist@dot.gov](mailto:jeff.secrist@dot.gov). If you have questions on viewing or submitting material to the docket, please contact Docket Services at (202) 366-9826.

**SUPPLEMENTARY INFORMATION:**  
**ANPRM**

On November 28, 2014, FMCSA published an ANPRM regarding Financial Responsibility for Motor Carriers, Brokers, and Freight Forwarders (79 FR 70839). In the ANPRM, the Agency announced that it was considering a rulemaking that would increase minimum levels of motor carrier financial responsibility for bodily injury or property damage<sup>1</sup> and sought information in connection with that potential rulemaking. In addition, the Agency asked several questions related to broker/freight forwarder financial responsibility as it continues to implement Section 32918 of the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112-141) (MAP-

<sup>1</sup> FMCSA's regulations (49 CFR part 387 Subparts A and B) require certain property and passenger motor carriers to maintain financial responsibility at the statutory minimums set forth in 49 U.S.C. 31138 and 31139.

21)(79 FR at 70842).<sup>2</sup> Finally, the Agency asked a series of questions in the ANPRM pertaining to (1) trip insurance for Mexican carriers, (2) the discretionary imposition of financial responsibility requirements for motor passenger carrier brokers pursuant to 49 U.S.C. 13904(f), and (3) its self-insurance program for motor carriers.

Regarding the core ANPRM issue of motor carrier financial responsibility limits, FMCSA sought public comment on whether to exercise its discretion to increase the minimum levels, and, if so, to what levels. Specifically, in the effort to gather relevant data, FMCSA posed a series of questions addressing the following matters:

- Premium Rates.
- Current Minimum Levels of Financial Responsibility.
- Impacts of Increasing the Minimum Level of Financial Responsibility.
- Compensation.
- Sources of Information.
- Timelines for implementation.

**Discussion of Comments**

The Agency received 2,181 public comments in response to the ANPRM. Various stakeholders commented, including representatives of motor carriers, insurance companies, broker/freight forwarders, safety advocates, attorneys, drivers, and many others. Approximately 120 submissions, including one submission reflecting a petition signed by 11,366 individuals, expressed general support for increasing the minimum levels of financial responsibility for motor carriers without providing a substantive rationale for their opinion. Approximately 145 submissions expressed general opposition to increasing the minimum levels of financial responsibility for motor carriers without providing a substantive rationale for their opinions. The Agency appreciates the level of interest shown in the ANPRM and the efforts that stakeholders made to provide responsive information.

**FMCSA Decision**

After considering whether to move forward with this rulemaking, the

<sup>2</sup> While FMCSA is withdrawing this ANPRM, the Agency continues its implementation of MAP-21 Section 32918 in a separate docket (FMCSA-2016-0102). On May 20, 2016, the Agency held a full-day informal roundtable discussion pertaining to broker/freight forwarder financial responsibility (81 FR 24935). The Agency received approximately 30 public comments in the meeting docket and is continuing to examine options for addressing the issues covered in that discussion.

Agency has decided to withdraw the November 28, 2014 ANPRM because the Agency does not have sufficient data or information to support further rulemaking.

Despite receiving a significant number of comments in response to the ANPRM, commenters did not provide responsive information necessary to allow the Agency to proceed to a Notice of Proposed Rulemaking.<sup>3</sup> In particular, commenters did not provide sufficient cost or benefit data and the Agency was unable to otherwise obtain sufficient data on industry practice with respect to the level of liability limits in excess of the Agency's minimum financial responsibility requirements, the cost of such premiums and the frequency of, and the amount by which bodily injury and property damage claims exceed policy liability limits. The anecdotal and hypothetical data provided by commenters are not sufficient to allow the Agency to perform a systematic cost-benefit analysis that would be required to raise motor carrier minimum financial responsibility through a rulemaking. That is, based on the information provided, FMCSA is not able to determine (1) potential increases in insurance premiums associated with increased financial responsibility limits, or (2) the impact of an increase in minimum financial responsibility requirements on insurance company capital requirements set by insurance regulators to ensure there are sufficient reserves to minimize the risk of insolvency and protect consumers. Moreover, FMCSA is not able to calculate economic benefits from having more financial resources available to assist crash victims associated with increased minimum financial responsibility limits.

Issued under the authority of delegation in 49 CFR 1.87 on: May 25, 2017.

**Daphne Y. Jefferson,**  
*Deputy Administrator.*

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<sup>3</sup> In a November 5, 2014 letter to the Acting Administrator of FMCSA, the Agency's Motor Carrier Safety Advisory Committee (MCSAC) provided recommendations to the Agency related to financial responsibility requirements. While MCSAC provided useful information, its task was not to develop cost and benefit information for use in a rulemaking proceeding.