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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 SPECIAL COUNSEL

5 CFR Part 1800

Filing of Complaints of Prohibited Personnel Practices or Other Prohibited Activities and Filing Disclosures of Information

AGENCY: U.S. Office of Special Counsel.

ACTION: Final rule.

SUMMARY: This final rule revises the U.S. Office of Special Counsel's (OSC's) regulations regarding the filing of complaints and disclosures with OSC, and updates OSC's prohibited personnel practice provisions. In accordance with the Paperwork Reduction Act of 1995, and Office of Management and Budget (OMB) implementing regulations, OSC sought approval from OMB for a new, dynamic electronic form to be used for filing complaints and disclosures. This new form, Form OSC-14, will replace Forms OSC-11, OSC-12, and OSC-13, which were previously approved by OMB.

DATES: This rule is effective July 17, 2017.

FOR FURTHER INFORMATION CONTACT: Susan K. Ullman, General Counsel, U.S. Office of Special Counsel, by telephone at 202-254-3600, by facsimile at (202) 254-3711, or by email at sullman@osc.gov.

SUPPLEMENTARY INFORMATION:

Background

The final rule makes minor changes to the existing language in 5 CFR 1800.1(c)(1) through (5) and (d), and 1800.2(b)(1) and (2) by replacing references to, and information about, the legacy OSC forms with references to, and information about, the new form established by OSC. The final rule refers to forms established by OSC and covers the new form that OSC submitted to OMB for approval. The final rule will enable OSC to revise its forms in the future, while still providing for public

notice and OMB review of future revisions. The final rule also updates the prohibited personnel practice provisions, at 5 CFR 1800.1(a)(13), based on the requirements of 5 U.S.C. 2302(b)(13) regarding nondisclosure forms, policies, or agreements. OSC received no comments from members of the public or other Agencies on the final rule or the new form.

The final rule also corrects minor typographical errors, including updating telephone and fax numbers and email contact information for Hatch Act complaints.

OSC is an independent agency responsible for, among other things: (1) Investigation of allegations of prohibited personnel practices defined by law at 5 U.S.C. 2302(b); (2) processing of whistleblower disclosures under 5 U.S.C. 1213; and (3) the interpretation and enforcement of Hatch Act limitations on political activity in chapters 15 and 73 of title 5 of the U.S. Code.

Procedural Determinations

Administrative Procedure Act (APA): This action is taken under the Special Counsel's authority at 5 U.S.C. 1212(e) to publish regulations in the **Federal Register**.

Executive Order 12866 (Regulatory Planning and Review): This final rule is exempt from review under Executive Order 12866.

Congressional Review Act (CRA): This final rule is not a major rule under the Congressional Review Act, as it is unlikely to result in an annual effect on the economy of \$100 million or more; is unlikely to result in a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies or geographic regions; and is unlikely to have a significant adverse effect on competition, employment, investment, productivity, or innovation, or on the ability of U.S.-based enterprises to compete in domestic and export markets.

Regulatory Flexibility Act (RFA): A regulatory flexibility analysis was not required and none was prepared.

Unfunded Mandates Reform Act (UMRA): This final rule does not impose any federal mandates on state, local, or tribal governments, or on the private sector within the meaning of the UMRA.

National Environmental Policy Act (NEPA): This final rule will have no

physical impact upon the environment and therefore will not require any further review under NEPA.

Paperwork Reduction Act (PRA): OSC submitted this final rule and collection to OMB for review pursuant to the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.* OSC did not receive any comments regarding the proposed rule, the new form, or the information collection.

Title of Collection: Form OSC-14: Electronic Submission of Allegations and Disclosures.

The new electronic form will be available on publication of this rule on the OSC Web site at <http://www.osc.gov>.

Type of Information Collection Request: Approval of new collection of information to replace a previously-approved collection of information.

Affected Public: Current and former Federal employees, applicants for Federal employment, state and local government employees, and their representatives, and the general public.

Respondent's Obligation: Voluntary.
Estimated Annual Number of Form OSC-14 Respondents: 6,000 (estimated prohibited personnel practice filers = 4,000; estimated disclosure filers = 1,835; and estimated Hatch Act filers = 165). OSC based these estimates on a review of recent Annual Reports and an analysis of developing trends for this year.

Frequency of Use of Form OSC-14: Daily.

Estimated Average Amount of Time for a Person to Respond Using Form OSC-14: For prohibited personnel practice and other prohibited activities allegations, one hour and 15 minutes; for whistleblower disclosures, one hour; and for Hatch Act allegations, 30 minutes to complete the form. OSC based these estimates on testing completed by OSC employees during the development of the collection form.

Estimated Annual Burden for Filing Form OSC-14: 6,917.5 hours.

Abstract: The electronic form must be used by current and former Federal employees and applicants for Federal employment to submit allegations of possible prohibited personnel practices or other prohibited activity for investigation and possible prosecution by OSC, and to file disclosures of covered wrongdoing for review and possible referral to heads of agencies. The form may also be used by

individuals to file complaints under the Hatch Act.

Executive Order 13132 (Federalism): This final rule does not have new federalism implications under Executive Order 13132.

Executive Order 12988 (Civil Justice Reform): This final rule meets applicable standards of 3(a) and 3(b)(2) of Executive Order 12988.

List of Subjects in 5 CFR Part 1800

Administrative practice and procedure, Government employees, Investigations, Law enforcement, Political activities (Government employees), Reporting and recordkeeping requirements, Whistleblowing.

OSC amends 5 CFR part 1800 as follows:

PART 1800—FILING OF COMPLAINTS AND ALLEGATIONS

■ 1. The authority citation for 5 CFR part 1800 continues to read as follows:

Authority: 5 U.S.C. 1212(e).

■ 2. Section 1800.1 is revised to read as follows:

§ 1800.1 Filing complaints of prohibited personnel practices or other prohibited activities.

(a) *Prohibited personnel practices.* The Office of Special Counsel (OSC) has investigative jurisdiction over the following prohibited personnel practices committed against current or former Federal employees and applicants for Federal employment:

(1) Discrimination, including discrimination based on marital status or political affiliation (see § 1810.1 of this chapter for information about OSC's deferral policy);

(2) Soliciting or considering improper recommendations or statements about individuals requesting, or under consideration for, personnel actions;

(3) Coercing political activity, or engaging in reprisal for refusal to engage in political activity;

(4) Deceiving or obstructing anyone with respect to competition for employment;

(5) Influencing anyone to withdraw from competition to improve or injure the employment prospects of another;

(6) Granting an unauthorized preference or advantage to improve or injure the employment prospects of another;

(7) Nepotism;

(8) Reprisal for whistleblowing (whistleblowing is generally defined as the disclosure of information about a Federal agency by an employee or applicant who reasonably believes that

the information shows a violation of any law, rule, or regulation; gross mismanagement; gross waste of funds; abuse of authority; or a substantial and specific danger to public health or safety);

(9) Reprisal for:

(i) Exercising certain appeal rights;

(ii) Providing testimony or other assistance to persons exercising appeal rights;

(iii) Cooperating with the Special Counsel or an Inspector General; or

(iv) Refusing to obey an order that would require the violation of law;

(10) Discrimination based on personal conduct not adverse to job performance;

(11) Violation of a veterans' preference requirement;

(12) Taking or failing to take a personnel action in violation of any law, rule, or regulation implementing or directly concerning merit system principles at 5 U.S.C. 2301(b); and

(13) Implementing or enforcing nondisclosure policies, forms, or agreements that do not contain the statement required by 5 U.S.C. 2302(b)(13).

(b) *Other prohibited activities.* OSC also has investigative jurisdiction over allegations of the following prohibited activities:

(1) Violation of the Federal Hatch Act at title 5 of the U.S. Code, chapter 73, subchapter III;

(2) Certain state and local violations of the Hatch Act at title 5 of the U.S. Code, chapter 15;

(3) Arbitrary and capricious withholding of information prohibited under the Freedom of Information Act at 5 U.S.C. 552 (except for certain foreign and counterintelligence information);

(4) Activities prohibited by any civil service law, rule, or regulation, including any activity relating to political intrusion in personnel decision making;

(5) Involvement by any employee in any prohibited discrimination found by any court or appropriate administrative authority to have occurred in the course of any personnel action (unless the Special Counsel determines that the allegation may be resolved more appropriately under an administrative appeals procedure); and

(6) Violation of uniformed services employment and reemployment rights under 38 U.S.C. 4301, et seq.

(c) *Procedures for filing complaints alleging prohibited personnel practices or other prohibited activities (other than the Hatch Act).* (1) Current or former Federal employees, and applicants for Federal employment, may file a complaint with OSC alleging one or more prohibited personnel practices, or

other prohibited activities within OSC's investigative jurisdiction. The Form OSC-14 must be used to file all such complaints (except those limited to an allegation or allegations of a Hatch Act violation—see paragraph (d) of this section for information on filing Hatch Act complaints).

(2) Forms filed in connection with allegations of reprisal for whistleblowing must identify:

(i) Each disclosure involved;

(ii) The date of each disclosure;

(iii) The person to whom each disclosure was made; and

(iv) The type and date of any personnel action that occurred because of each disclosure.

(3) OSC will not process a complaint filed in any format other than a completed OSC Form-14. If a filer does not use the OSC Form-14 to submit a complaint, OSC will provide the filer with information about the OSC Form-14. OSC will consider the complaint filed on the date on which OSC receives a completed OSC Form-14.

(4) OSC Form-14 is available:

(i) *At:* <http://www.osc.gov> (to complete online);

(ii) *By calling OSC at:* (800) 872-9855 (toll-free); or

(iii) *By writing to OSC, at:* U.S. Office of Special Counsel, 1730 M Street NW., Suite 218, Washington, DC 20036-4505.

(5) A complainant can file a completed OSC Form-14 with OSC by any of the following methods:

(i) *Electronically, at:* <http://www.osc.gov>;

(ii) *By fax, to:* (202) 254-3711; or

(iii) *By mail, to:* U.S. Office of Special Counsel 1730 M Street NW., Suite 218, Washington, DC 20036-4505.

(d) *Procedures for filing complaints alleging violation of the Hatch Act.* (1) Complaints alleging a violation of the Hatch Act may be submitted in any written form, but use of OSC Form-14 is encouraged. Complaints should include:

(i) The complainant's name, mailing address, telephone number, and a time when OSC can contact that person about his or her complaint (unless the matter is submitted anonymously);

(ii) The department or agency, location, and organizational unit complained of; and

(iii) A concise description of the actions complained about, names and positions of employees who took the actions, if known to the complainant, and dates of the actions, preferably in chronological order, together with any documentary evidence that the complainant can provide.

(2) OSC Form-14 for filing a complaint is available as described in

paragraphs (c)(4)(i) through (iii) of this section.

(3) A written Hatch Act complaint may be filed with OSC:

(i) *Electronically, at:* <http://www.osc.gov>;

(ii) *By fax, to:* (202) 254-3700;

(iii) *By email, to:* hatchact@osc.gov; or

(iv) *By mail, to:* U.S. Office of Special Counsel, Hatch Act Unit, 1730 M Street NW., Suite 218, Washington, DC 20036-4505.

■ 3. Section 1800.2 is revised to read as follows:

§ 1800.2 Filing disclosures of information.

(a) *General.* OSC is authorized by law (at 5 U.S.C. 1213) to provide an independent and secure channel for use by current or former Federal employees and applicants for Federal employment in disclosing information that they reasonably believe shows wrongdoing by a Federal agency. OSC must determine whether there is a substantial likelihood that the information discloses a violation of any law, rule, or regulation; gross mismanagement; gross waste of funds; abuse of authority; or a substantial and specific danger to public health or safety. If it does, the law requires OSC to refer the information to the agency head involved for investigation and a written report on the findings to the Special Counsel. The law does not authorize OSC to investigate the subject of a disclosure.

(b) *Procedures for filing disclosures.* Current or former Federal employees, and applicants for Federal employment, may file a disclosure of the type of information described in paragraph (a) of this section with OSC. Such disclosures must be filed in writing (including electronically—see paragraph (b)(3)(i) of this section).

(1) Filers are encouraged to use OSC Form-14 to file a disclosure of the type of information described in paragraph (a) of this section with OSC. OSC Form-14 provides more information about OSC jurisdiction, and procedures for processing whistleblower disclosures. OSC Form-14 is available:

(i) *Online, at:* <http://www.osc.gov>;

(ii) *By calling OSC, at:* (800) 572-2249 (toll-free), or (202) 254-3640; or

(iii) *By writing to OSC, at:* U.S. Office of Special Counsel, 1730 M Street NW., Suite 218, Washington, DC 20036-4505.

(2) Filers may use another written format to submit a disclosure to OSC, but the submission should include:

(i) The name, mailing address, and telephone number(s) of the person(s) making the disclosure(s), and a time when OSC can contact that person about his or her disclosure;

(ii) The department or agency, location and organizational unit complained of; and

(iii) A statement as to whether the filer consents to disclosure of his or her identity by OSC to the agency involved, in connection with any OSC referral to that agency.

(3) A disclosure may be filed in writing with OSC by any of the following methods:

(i) *Electronically, at:* <http://www.osc.gov> (for completion and filing electronically);

(ii) *By fax, to:* (202) 254-3711; or

(iii) *By mail, to:* U.S. Office of Special Counsel, 1730 M Street NW., Suite 218, Washington, DC 20036-4505.

Dated: June 2, 2017.

Bruce Gipe,

Chief Operating Officer.

[FR Doc. 2017-11978 Filed 6-8-17; 8:45 am]

BILLING CODE 7405-01-P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

30 CFR Part 250

[17XEX1700DX EX1SF0000.DAQ000 EEEE50000]

RIN 1014-AA35

Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Lease Continuation Through Operations

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Final rule.

SUMMARY: As specifically mandated by the Consolidated Appropriations Act of 2017, this final rule revises the requirements contained in the Bureau of Safety and Environmental Enforcement regulations relating to maintaining a lease beyond its primary term through continuous operations by changing all of the references to the period of time before which a lease expires due to cessation of operations from “180 days” and “180th day” to a “year” and from “180-day period” to a “1-year period.”

DATES: This rule is effective on June 9, 2017.

FOR FURTHER INFORMATION CONTACT: Dennis Yang, Regulations and Standards Branch, Bureau of Safety and Environmental Enforcement, (713) 220-9203 or by email: regs@bsee.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On May 5, 2017, the President signed into law the Consolidated

Appropriations Act of 2017 (“the CAA”), Public Law 115-31. Section 121 (“Continuous Operations”) of the CAA directs the Secretary of the Interior to revise 30 CFR 250.180. Specifically, Section 121 of the CAA states that, “[n]ot later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall amend the regulations issued under section 250.180 of title 30, Code of Federal Regulations. . . .” Section 121 also specifies the precise language that must be used in revising § 250.180. Within the Department of the Interior (Department), the Assistant Secretary for Land and Minerals Management (ASLMM), is responsible for promulgating and revising the regulations in 30 CFR part 250 administered by the Bureau of Safety and Environmental Enforcement (BSEE); thus, the BSEE and the ASLMM are responsible for implementing the statutorily mandated revisions to § 250.180.

The current provisions of § 250.180 state that a lease expires if the lessee or operator stops conducting operations (drilling, well-reworking, or production in paying quantities) during the last 180 days of the lease term or on a lease that has continued beyond its primary term, unless the operator resumes operations, or receives a Suspension of Operations (SOO) or a Suspension of Production (SOP) from the Regional Supervisor, within 180 days from stopping operations. The regulatory revisions mandated by Section 121 extend the existing 180 day periods to one year.

Section 121 of the CAA requires the Department to amend § 250.180 not later than 30 days after the enactment of the CAA (*i.e.*, by June 4, 2017). It also mandates the precise wording of the revisions that must be made to § 250.180. Therefore, it is both unnecessary and impracticable for the BSEE to publish a notice of proposed rulemaking and to provide an opportunity for public comment before issuing a final rule. For these reasons, it is appropriate and necessary to publish a final rule in order to comply with the statute.

Section-by-Section Discussion

Revisions to § 250.171 (How do I request a suspension?)

Although Section 121 of the CAA does not explicitly require amendment of any other provision of the BSEE’s regulations, the BSEE has determined that this final rule must also amend the introductory paragraph of § 250.171 to align it with the language modifications that Congress mandated for § 250.180.

As previously stated, § 250.180 provides that a leaseholder may request that the BSEE Regional Supervisor issue a suspension to prevent lease expiration following passage of the identified period of time (formerly 180 days and now one year) permitted between leaseholding operations near the end of or after the primary term. Section 250.171 establishes the procedures for requesting a suspension, and the introductory sentence to that section specifies (among other things) that a request must be received by the BSEE “before the . . . end of the 180-day period following the last leaseholding operation. . . .” This requirement is clearly based on the 180-day period provided in existing § 250.180. If § 250.171 was not revised to conform to the changes to § 250.180, it would require suspension applications be filed six months before the lease would expire as a result of the statutory revision. To avoid this unintended consequence, it follows that § 250.171 must be revised to conform to the mandated revisions to § 250.180. This involves striking the reference to “180-day period” in § 250.171 and inserting in its place the words “1-year period.” This amendment of § 250.171 is essential to maintaining consistency with § 250.180, preserving the logical connection between the two sections, and preventing any potential future confusion.

Revisions to § 250.180 (What am I required to do to keep my lease term in effect?)

This final rule amends § 250.180 to implement the revisions mandated by Section 121 of the CAA. The revisions entail: Striking each reference to “180 days” and inserting in its place “year”; striking each reference to “180th day” and inserting in its place “year”; and striking each reference to “180-day period” and inserting in its place “1-year period.” The effect of changing the references from “180 days” to one year will be to extend the length of time (absent a suspension issued by the Regional Supervisor) that an Outer Continental Shelf (OCS) lease will remain in effect, beyond its primary term, following cessation of production or other leaseholding operations. The mandated changes to § 250.180 will provide operators with more time and flexibility to evaluate information (e.g., review prior well data, plan an additional well, obtain Authorization for Expenditure approval) to determine if they will perform another leaseholding operation. This change will be of interest and potential benefit to current and future holders of OCS

leases and to other entities in the offshore oil and gas industry.

The term “year” as used in revised § 250.180 refers to the 365-day (or 366-day during leap years) period after the end of the last leaseholding operation. It does not refer to the end of a specific calendar year. For example, “. . . before the end of the year after you stop operations” means before the end of the 365-day (or 366-day) period after the operator stops operations as opposed to meaning before midnight on December 31st of the current (or subsequent) calendar year.

II. Procedural Matters

A. Administrative Procedure Act (5 U.S.C. 551, et seq.)

Section 121 of the CAA mandates the revision of 30 CFR 250.180 within 30 days of the CAA’s enactment (May 5, 2017) and the exact wording that must be used in revising § 250.180. Congress has provided the BSEE with no discretion in how to revise the final rule. Therefore, it is impracticable and unnecessary for the BSEE to provide prior notice and opportunity to comment on this rulemaking. Even if time permitted the BSEE to provide such prior notice, any comments submitted by the public could not change the final outcome of this rulemaking.

Similarly, as previously explained, this final rule also revises § 250.171, using the same language that Congress mandated for § 250.180, in order to preserve the logical connection and consistency between these two closely-related sections. Failure to so revise § 250.171 at this time would create unnecessary conflict between the language of that section and § 250.180 and result in needless confusion and uncertainty in the regulated community. For these reasons, and in accordance with 5 U.S.C. 553(b)(3)(B), the BSEE for good cause finds that prior notice and public comment are unnecessary for this rulemaking.

Moreover, good cause for proceeding directly to a final rule also exists because Congress expressly directed the BSEE to amend its regulations within 30 days, making prior notice and comment highly impracticable.

In accordance with 5 U.S.C. 553(d)(3), the BSEE also finds good cause to make this final rule effective immediately when published in the **Federal Register** in order to comply with the statutory mandate to amend § 250.180 within 30 days of the date of enactment of the CAA (May 5, 2017). If Congress had meant merely that this rule should be published within 30 days, and need not

take effect until a later date, it presumably would have said so. Instead, it expressly required that the regulations be amended within that time frame. In addition, since this final rule will not require the regulated members of the public to adjust their operations to comply with the terms of the rule, there is no need to postpone its effectiveness to a later date.

B. Regulatory Planning and Review (E.O. 12866 and 13563)

Section 6(b)(1) of Executive Order (E.O.) 12866 provides that the Office of Management and Budget (OMB) Office of Information and Regulatory Affairs (OIRA) may review only actions identified by the agency or by OIRA as significant regulatory actions. A “significant regulatory action,” as defined in E.O. 12866, is any regulatory action that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in this E.O.

This final rule does not meet the definition of a “significant regulatory action,” and therefore OIRA review is not necessary.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation’s regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. This rulemaking is consistent with the principles and requirements of E.O. 13563.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency to prepare a regulatory flexibility analysis for all rules for which an agency is required to

first publish a proposed rule, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. (See 5 U.S.C. 603(a) and 604(a)). Because Section 121 of the CAA requires the Department to amend § 250.180 with specified language not later than 30 days after the enactment of the CAA, the BSEE is not required to publish a proposed rule before publication of this final rule. Thus, the RFA does not apply to this rulemaking.

D. Small Business Regulatory Enforcement Fairness Act

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

- (1) Will not have an annual effect on the economy of \$100 million or more.
- (2) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.
- (3) Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

E. Unfunded Mandates Reform Act of 1995

This rule will not impose an unfunded mandate on State, local, or tribal governments, or the private sector of more than \$100 million per year. This rule will not have a significant or unique effect on State, local, or tribal governments or the private sector. In addition, this rule implements requirements specifically mandated by statute (*i.e.*, the amendatory language set forth in Section 121 of the CAA). Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*) is not required.

F. Takings Implication Assessment (E.O. 12630)

This rule does not effect a taking of private property or otherwise have takings implications under E.O. 12630. Therefore, a takings implication assessment is not required.

G. Federalism (E.O. 13132)

Under the criteria in E.O. 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. Therefore, a federalism summary impact statement is not required.

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

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

- (1) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and
- (2) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

I. Consultation With Indian Tribes (E.O. 13175 and Departmental Policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Indian tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department of the Interior's consultation policy, under Departmental Manual Part 512 Chapters 4 and 5, and under the criteria in E.O. 13175. We have determined that this rule has no substantial direct effects on federally recognized Indian tribes or any Alaska Native Corporation established pursuant to the Alaska Native Claims Settlement Act (ANCSA) (43 U.S.C. 1601 *et seq.*) and that consultation under the Department of the Interior's tribal consultation policy is not required.

J. Paperwork Reduction Act of 1995

This rule does not contain any new information collection requirements, and a submission to the OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required. 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.

K. National Environmental Policy Act of 1969

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because the rule is covered by a categorical exclusion (see 43 CFR 46.210(i)) in that this rule is "of an administrative, financial, legal, technical, or procedural nature. . . ." Further, we have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

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

This rule is not a significant energy action under the definition in E.O. 13211. Therefore, a Statement of Energy Effects is not required.

M. Data Quality Act

In developing this final rule, we did not conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106-554, app. C § 515).

N. Regulatory Reform (E.O. 13771, E.O. 13783, and E.O. 13795)

The BSEE has reviewed this final rule for compliance with E.O. 13771 ("Reducing Regulation and Controlling Regulatory Costs"), which requires Federal agencies to offset the number and cost of new regulations through the repeal, revocation, or revision of existing regulations. As provided in OMB Memorandum M-17-21 ("Implementing E.O. 13771"), a "regulatory action" subject to E.O. 13771 is a significant regulatory action as defined in section 3(f) of E.O. 12866 that has been finalized and that imposes total costs greater than zero. For the reasons identified in the previous sections, this final rule is not a significant regulatory action under E.O. 12866 and thus does not require any offsetting deregulatory action. In fact, this rule is a "deregulatory action" under E.O. 13771 because its total costs will be less than zero considering the rule provides more time and flexibility for operators to plan and conduct operations than the existing regulation and thus reduces associated administrative and operational burdens. E.O. 13771 deregulatory actions are not limited to those defined as significant under E.O. 12866. In addition, in accordance with OMB Memorandum M-17-21, even if this final rule were a "significant regulatory action," it would be exempt from the E.O. 13771 offset requirements because it is a statutorily required action.

The BSEE has also determined that this final rule is not subject to review under E.O. 13783 ("Promoting Energy Independence and Economic Growth"), which requires Federal agencies to review all agency actions that potentially burden the development or use of domestically produced energy resources, including oil and natural gas. As provided in Section 2(a) of E.O. 13783, this final rule is not subject to review because it is mandated by law. Moreover, this rule would not be subject to review under that E.O. because it does not burden the development or use

of oil or natural gas, as “burden” is defined in section 2(b) of E.O. 13783. In fact, this rule is deregulatory in nature and will decrease existing burdens on offshore producers of oil and natural gas.

The BSEE has also reviewed this final rule for consistency with E.O. 13795 (“Implementing an America-First Offshore Energy Strategy”), which requires the Department to take certain actions to encourage energy exploration and production, including on the OCS, while ensuring that those exploration and production activities are safe and environmentally responsible. Specifically, the BSEE has determined that this rule is necessary because it is both required by law and is consistent with the policy set forth in section 2 of E.O. 13795.

List of Subjects in 30 CFR Part 250

Administrative practice and procedure, Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Incorporation by reference, Investigations, Oil and gas exploration, Penalties, Pipelines, Continental Shelf—mineral resources, Continental shelf—rights-of-way, Reporting and recordkeeping requirements, Sulfur.

Katharine S. MacGregor,
Acting Assistant Secretary—Land and Minerals Management.

For the reasons stated in the preamble, the Bureau of Safety and Environmental Enforcement (BSEE) amends 30 CFR part 250 as follows:

PART 250—OIL AND GAS AND SULFUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

■ 1. The authority citation for part 250 continues to read as follows:

Authority: 30 U.S.C. 1751, 31 U.S.C. 9701, 33 U.S.C. 1321(j)(1)(C), 43 U.S.C. 1334.

■ 2. In § 250.171, revise the introductory text to read as follows:

§ 250.171 How do I request a suspension?

You must submit your request for a suspension to the Regional Supervisor, and BSEE must receive the request before the end of the lease term (*i.e.*, end of primary term, end of the 1-year period following the last leaseholding operation, and end of a current suspension). Your request must include:

* * * * *

■ 3. In § 250.180, revise paragraphs (a)(1), (b), (d), (e), (g), and (j) to read as follows:

§ 250.180 What am I required to do to keep my lease term in effect?

(a) * * *

(1) You must submit a report to the District Manager according to paragraphs (h) and (i) of this section whenever production begins initially, whenever production ceases during the last year of the primary term, and whenever production resumes during the last year of the primary term.

* * * * *

(b) If you stop conducting operations during the last year of your primary lease term, your lease will expire unless you either resume operations or receive an SOO or an SOP from the Regional Supervisor under § 250.172, § 250.173, § 250.174, or § 250.175 before the end of the year after you stop operations.

* * * * *

(d) If you stop conducting operations on a lease that has continued beyond its primary term, your lease will expire unless you resume operations or receive an SOO or an SOP from the Regional Supervisor under § 250.172, § 250.173, § 250.174, or § 250.175 before the end of the year after you stop operations.

(e) You may ask the Regional Supervisor to allow you more than a year to resume operations on a lease continued beyond its primary term when operating conditions warrant. The request must be in writing and explain the operating conditions that warrant a longer period. In allowing additional time, the Regional Supervisor must determine that the longer period is in the National interest, and it conserves resources, prevents waste, or protects correlative rights.

* * * * *

(g) If your lease is continued beyond its primary term, you must submit a report to the District Manager under paragraphs (h) and (i) of this section whenever production begins initially, whenever production ceases, whenever production resumes before the end of the 1-year period after having ceased, or whenever drilling or well-reworking operations begin before the end of the 1-year period.

* * * * *

(j) For leases continued beyond the primary term, you must immediately report to the District Manager if operations do not begin before the end of the 1-year period.

[FR Doc. 2017-11985 Filed 6-7-17; 11:15 am]

BILLING CODE 4310-MR-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2017-0498]

Drawbridge Operation Regulation; Trent River, New Bern, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the U.S. 70 (Alfred C. Cunningham) Bridge across the Trent River, mile 0.0, at New Bern, NC. The deviation is necessary to accommodate the free movement of pedestrians and vehicles during the 2017 Mumfest celebration. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: This deviation is effective from 9 a.m. on October 14, 2017, to 5 p.m. on October 15, 2017.

ADDRESSES: The docket for this deviation, [USCG-2017-0498], is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH”. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Mickey Sanders, Bridge Administration Branch Fifth District, Coast Guard; telephone (757) 398-6587, email Mickey.D.Sanders2@uscg.mil.

SUPPLEMENTARY INFORMATION: The Event Director, Swiss Bear Inc., with approval from the North Carolina Department of Transportation, who owns and operates the U.S. 70 (Alfred C. Cunningham) Bridge, has requested a temporary deviation from the current operating regulations to accommodate the free movement of pedestrians and vehicles during the 2017 Mumfest. The bridge is a double bascule bridge and has a vertical clearance in the closed position of 14 feet above mean high water.

The current operating schedule is set out in 33 CFR 117.843(a). Under this temporary deviation, the bridge will be maintained in the closed-to-navigation position and open every two hours, on the hour, from 9 a.m. to 8 p.m. on Saturday, October 14, 2017, and from 9 a.m. to 5 p.m. on Sunday, October 15, 2017. From 8 p.m. on Saturday, October 14, 2017, to 9 a.m. on Sunday, October 15, 2017, the drawbridge will open on signal.

The Alfred C. Cunningham Bridge is used by a variety of vessels including recreational vessels, tug and barge traffic, fishing vessels, and small commercial vessels. The Coast Guard has carefully considered the nature and volume of vessel traffic on the waterway in publishing this temporary deviation.

Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge will be able to open for emergencies and there is no immediate alternate route for vessels unable to pass through the bridge in the closed position. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: June 5, 2017.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2017-12013 Filed 6-8-17; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2017-0497]

Drawbridge Operation Regulation; Atlantic Intracoastal Waterway (AIWW), Wrightsville Beach, NC and Northeast Cape Fear River, Wilmington, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedules that govern the S.R. 74 (Wrightsville Beach) Bridge across the Atlantic Intracoastal Waterway (AIWW), mile 283.1, at Wrightsville Beach, NC, and the Isabel S. Holmes Bridge across the Northeast Cape Fear River, mile 1.0, at Wilmington, NC. The deviation is necessary to accommodate the free movement of pedestrians and vehicles during the 2017 PPD IRONMAN North Carolina "Beach2Battleship" Triathlon. This deviation allows these bridges to

remain in their closed-to-navigation position.

DATES: The deviation is effective from 6:30 a.m. to 3 p.m. on October 21, 2017.

ADDRESSES: The docket for this deviation, [USCG-2017-0497], is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH". Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Mickey Sanders, Bridge Administration Branch Fifth District, Coast Guard; telephone 757-398-6587, email Mickey.D.Sanders@uscg.mil.

SUPPLEMENTARY INFORMATION: The event director, PPD Ironman North Carolina, with approval from the North Carolina Department of Transportation, who owns and operates the S.R. 74 (Wrightsville Beach) and the Isabel S. Holmes Bridges has requested a temporary deviation from the current operating regulations to accommodate the free movement of pedestrians and vehicles during the 2017 PPD IRONMAN North Carolina "Beach2Battleship" Triathlon. The bridges are double bascule bridges and have vertical clearances in the closed position of 20 feet and 40 feet, respectively, above mean high water.

The current operating schedule is set out in 33 CFR 117.821(a)(4) and 33 CFR 117.829(a), respectively. Under this temporary deviation, the S.R. 74 (Wrightsville Beach) Bridge will be maintained in the closed-to-navigation position from 6:30 a.m. to 10 a.m. on October 21, 2017, and the Isabel S. Holmes Bridge will be maintained in the closed-to-navigation position from 7:30 a.m. to 3 p.m. on October 21, 2017. The Atlantic Intracoastal Waterway is used by a variety of vessels including, small commercial fishing vessels and recreational vessels. The Northeast Cape Fear River is used by a variety of vessels including, small commercial fishing vessels, recreational vessels, and tug and barge traffic. The Coast Guard has carefully considered the nature and volume of vessel traffic on the waterway in publishing this temporary deviation.

Vessels able to pass through these bridges in their closed positions may do so at anytime. These bridges will be able to open for emergencies and there are no immediate alternative routes for vessels unable to pass through the bridges in their closed positions. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedules for these

bridges so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), these drawbridges must return to their regular operating schedules immediately at the end of the effective periods of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: June 5, 2017.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2017-12012 Filed 6-8-17; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2017-0393]

Drawbridge Operation Regulation; Hackensack River, Jersey City, New Jersey

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the PATH Bridge across the Hackensack River, mile 3.0, at Jersey City, New Jersey. This temporary deviation is necessary to allow the bridge to remain in the closed-to-navigation position to facilitate the replacement of rails and timbers across the length of the span of the bridge.

DATES: This deviation is effective from 12:01 a.m. on June 10, 2017 to 11:59 p.m. on December 3, 2017.

ADDRESSES: The docket for this deviation, USCG-2017-0393 is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH". Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Judy Leung-Yee, Project Officer, First Coast Guard District, telephone (212) 514-4330, email judy.k.leung-ye@uscg.mil.

SUPPLEMENTARY INFORMATION: The Port Authority Trans-Hudson Corporation, the owner of the bridge, requested a temporary deviation from the normal operating schedule to facilitate the replacement of rails and timbers across

the length of the span of the bridge. The PATH Bridge across the Hackensack River, mile 3.0, has a vertical clearance in the closed position of 40 feet at mean high water and 45 feet at mean low water. The existing bridge operating regulations are found at 33 CFR 117.723(b).

Under this temporary deviation, the PATH Bridge shall remain in the closed position between 12:01 a.m. Saturday and 11:59 p.m. Sunday as follows:

June 10–11, 24–25; July 1–2, 8–9, 15–16, 29–30; August 26–27; September 16–17; October 7–8, 14–15, 28–29; November 4–5, 11–12, 18–19; December 2–3, 2017. Additionally, the PATH Bridge shall remain in the closed position between 12:01 a.m. and 11:59 p.m. on the following Saturdays: June 17, August 5, 19; and October 21, 2017.

The waterway is transited by commercial and recreational traffic. The Coast Guard notified known companies of the commercial vessels that transit the area, including the Sandy Hook Pilots and the local Tug/Tow Committee; there were no objections to this temporary deviation modification. Vessels able to pass under the bridge in the closed position may do so at anytime. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels to pass.

The Coast Guard will inform the users of the waterways through our Local Notice and Broadcast to Mariners of the change in operating schedule for the bridge so that vessel operations can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: June 5, 2017.

C.J. Bisignano,

*Supervisory Bridge Management Specialist,
First Coast Guard District.*

[FR Doc. 2017–11952 Filed 6–8–17; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0369]

Drawbridge Operation Regulation; Jamaica Bay, Queens, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Marine Parkway (Gil Hodges) Bridge across Rockaway Inlet, mile 3.0, at Queens, NY. This action is necessary to complete bridge maintenance and repairs. This deviation allows the bridge to remain in the closed position.

DATES: This modified deviation is effective without actual notice from June 9, 2017 through 11:59 p.m. on June 30, 2017. For the purposes of enforcement, actual notice will be used from May 13, 2017 at 5 p.m. until June 9, 2017.

ADDRESSES: The docket for this deviation, USCG–2017–0369 is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH”. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email James M. Moore, Bridge Management Specialist, First District Bridge Branch, U.S. Coast Guard; telephone 212–514–4334, email james.m.moore2@uscg.mil.

SUPPLEMENTARY INFORMATION: The Metropolitan Transportation Authority, owner of the bridge, requested a temporary deviation in order to facilitate replacement of lift span machinery. The Marine Parkway (Gil Hodges) Bridge across Rockaway Inlet, mile 3.0 at Queens, New York has a vertical clearance of 55 feet at mean high water and 59 feet at mean low water in the closed position. The existing drawbridge operating regulations are listed at 33 CFR 117.795(a).

The temporary deviation will allow the Marine Parkway (Gil Hodges) Bridge to remain in the closed position from 5:01 p.m. May 13, 2017 to 11:59 p.m. June 30, 2017.

The waterway is transited by seasonal recreational traffic as well as commercial vessels, largely tug and barge combinations. The 55 foot vertical

clearance while the bridge is in the closed position offers the bulk of commercial traffic sufficient room to transit the navigation opening of the structure even when in the closed position. Vessels that can pass under the bridge without an opening may do so at all times. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels unable to pass through the bridge when in the closed position.

The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by this temporary deviation.

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

Dated: May 23, 2017.

C.J. Bisignano,

*Supervisory Bridge Management Specialist,
First Coast Guard District.*

[FR Doc. 2017–12045 Filed 6–8–17; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0347]

RIN 1625-AA00

Safety Zone; Chicago River, Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Chicago River, Chicago, IL. This action is necessary and intended to ensure safety of life on the navigable waters of the United States immediately prior to, during, and after the filming of a motion picture from a low flying helicopter. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Lake Michigan.

DATES: This rule will be effective from 7:45 a.m. on June 11, 2017 to 3:30 p.m. on June 25, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://>

www.regulations.gov, type USCG–2017–0347 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 about this rule, call or email LT Lindsay Cook, Marine Safety Unit Chicago, U.S. Coast Guard; telephone (630) 986–2155, email D09-DG-MSUChicago-Waterways@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. The final details for this event were not known to the Coast Guard until there was insufficient time remaining before the event to publish a NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be impracticable because it would inhibit the Coast Guard’s ability to protect the public and vessels from the hazards associated with the filming from a low flying helicopter on June 11, 2017, June 17, 2017, and June 18, 2017, or alternate weather contingency dates of June 24, 2017 to June 25, 2017.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed in the preceding paragraph, waiting for a 30 day notice period to run would be impracticable.

III. Legal Authority and Need for Rule

The legal basis for the rule is the Coast Guard’s authority to establish safety zones: 33 U.S.C. 1231; 33 CFR

1.05–1, 160.5; Department of Homeland Security Delegation No. 0170.1.

On June 11, 2017, June 17, 2017, and June 18, 2017, or alternate weather contingency dates of June 24, 2017 and June 25, 2017, filming from a low flying helicopter will take place on the Chicago River between the Columbus Drive Bridge on the Main Branch of the Chicago River, the Kinzie Street Bridge on the North Branch of the Chicago River, and the Randolph Street Highway Bridge on the South Branch of the Chicago River in Chicago, IL. The Captain of the Port Lake Michigan has determined that the filming from a low flying helicopter will pose a significant risk to public safety and property. Such hazards include rotor turbulence, strong gusts of air, and close proximity of any vessel on the Chicago River.

IV. Discussion of the Rule

With the aforementioned hazards in mind, the Captain of the Port Lake Michigan has determined that this temporary safety zone is necessary to ensure the safety of the public during the filming from a low flying helicopter on the Chicago River. This safety zone will be enforced intermittently from 7:45 a.m. to 9:00 a.m. on June 11, 2017, 7:45 a.m. to 3:30 p.m. on June 17, 2017, and 7:45 a.m. to 3:30 p.m. on June 18, 2017, or alternate weather contingency dates of June 24, 2017 from 7:45 a.m. to 3:30 p.m. and June 25, 2017 from 7:45 a.m. to 3:30 p.m. This zone will encompass all waters of the Chicago River between the Columbus Drive Bridge on the Main Branch of the Chicago River, the Kinzie Street Bridge on the North Branch of the Chicago River, and the Randolph Street Highway Bridge on the South Branch of the Chicago River in Chicago, IL.

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan, or a designated on-scene representative. The Captain of the Port or a designated on-scene representative may be contacted via VHF Channel 16.

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.

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

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced intermittently from 7:45 a.m. to 9:00 a.m. on June 11, 2017, 7:45 a.m. to 3:30 p.m. on June 17, 2017, and 7:45 a.m. to 3:30 p.m. on June 18, 2017, or alternate weather contingency dates of June 24, 2017 from 7:45 a.m. to 3:30 p.m. and June 25, 2017 from 7:45 a.m. to 3:30 p.m. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

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.

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this temporary rule on small entities. This rule will affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit on a portion of the Chicago River from 7:45 a.m. to 9:00 a.m. on June 11, 2017, 7:45 a.m. to 3:30 p.m. on June 17, 2017,

and 7:45 a.m. to 3:30 p.m. on June 18, 2017, or alternate weather contingency dates of June 24, 2017 from 7:45 a.m. to 3:30 p.m. and June 25, 2017 from 7:45 a.m. to 3:30 p.m.

This safety zone will not have a significant economic impact on a substantial number of small entities for the reasons cited in the *Regulatory Planning and Review* section. Additionally, before the enforcement of the zone, we will issue local Broadcast Notice to Mariners and a notification in the Local Notice to Mariners Publication.

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.ID, 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 the establishment of a safety zone for filming from a low flying helicopter on the Chicago River in Chicago, IL. It is categorically excluded from further review under section 2.B.2, Figure 2–1, paragraph 34(g) of the Instruction. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated under **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0347 to read as follows:

§ 165.T09–0347 Safety zone; Chicago River, Chicago, IL.

(a) *Location.* All waters of the Chicago River between the Columbus Drive Bridge on the Main Branch of the Chicago River, the Kinzie Street Bridge on the North Branch of the Chicago River, and the Randolph Street Highway Bridge on the South Branch of the Chicago River in Chicago, IL.

(b) *Effective and enforcement period.* This rule will be effective from 7:45 a.m. on June 11, 2017 to 3:30 p.m. on June 25, 2017. This rule will be enforced intermittently from 7:45 a.m. to 9:00 a.m. on June 11, 2017, 7:45 a.m. to 3:30 p.m. on June 17, 2017, and 7:45 a.m. to 3:30 p.m. on June 18, 2017, or alternate weather contingency dates of June 24, 2017 from 7:45 a.m. to 3:30 p.m. and June 25, 2017 from 7:45 a.m. to 3:30 p.m.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or a designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Lake Michigan or a designated on-scene representative.

(3) The “on-scene representative” of the Captain of the Port Lake Michigan is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Lake Michigan to act on his or her behalf.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Lake Michigan or an on-scene representative to obtain permission to do so. The Captain of the Port Lake Michigan or an on-scene representative may be

contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Lake Michigan, or an on-scene representative.

Dated: June 2, 2017.

A.B. Cocanour,

Captain, U.S. Coast Guard, Captain of the Port, Lake Michigan.

[FR Doc. 2017-11994 Filed 6-8-17; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2017-0416]

RIN 1625-AA00

Safety Zone; Annual Event in the Captain of the Port Buffalo Zone—Thunder on the Niagara Hydroplane Boat Races

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce certain safety zones located in the Code of Federal Regulations. This notice of enforcement includes the Thunder of the Niagara Hydroplane boat races. This action is necessary and intended for the safety of life and property on navigable waters during this event. During each enforcement period, no person or vessel may enter the respective safety zone without the permission of the Captain of the Port Buffalo.

DATES: The regulation in 33 CFR 165.939(a)(30) will be enforced on August 5 and 6, 2017 from 8:45 a.m. to 6:15 p.m.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email LT Michael Collet, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo, 1 Fuhrmann Blvd. Buffalo, NY 14203; telephone 716-843-9322, email SectorBuffaloMarineSafety@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Safety Zone; Annual Event in the Captain of the Port Buffalo Zone listed in 33 CFR 165.939(a)(30) for the following event:

(1) *Thunder on the Niagara Hydroplane boat races, North Tonawanda, NY;* The safety zone listed in 33 CFR 165.939(a)(30) will be enforced from 8:45 a.m. to 6:15 p.m. on August 5 and 6, 2017.

Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within the safety zone during an enforcement period is prohibited unless authorized by the Captain of the Port Buffalo or his designated representative. Those seeking permission to enter the safety zone may request permission from the Captain of Port Buffalo via channel 16, VHF-FM. Vessels and persons granted permission to enter the safety zone shall obey the directions of the Captain of the Port Buffalo or his designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice of enforcement is issued under authority of 33 CFR 165.939 and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Buffalo determines that the safety zone need not be enforced for the full duration stated in this notice he or she may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone.

Dated: June 5, 2017.

J.S. Dufresne,

Captain, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 2017-11953 Filed 6-8-17; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2017-0248]

RIN 1625-AA00

Safety Zone; Chincoteague Channel, Chincoteague Islands, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters of the Chincoteague Channel in the vicinity of Chincoteague Island, Virginia. The safety zone is needed to protect persons, vessels, and the marine environment from potential hazards created during a firework display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Hampton Roads.

DATES: This rule is effective from 9:30 p.m. through 10:30 p.m. on July 1, 2017, or on July 8, 2017, if weather renders the primary date unsuitable.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2017-0248 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 LCDR Barbara Wilk, Waterways Management Division Chief, Sector Hampton Roads, U.S. Coast Guard, telephone 757-668-5580, email HamptonRoadsWaterway@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because information about the fireworks scheduled for July 1, 2017 was not received by the Coast Guard with sufficient time to allow for an opportunity to comment on the proposed rule. It is contrary to the public interest to publish an NPRM because immediate action is needed to ensure the safety of the fireworks participants, patrol vessels, and other vessels transiting the fireworks display area.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. A restriction on vessel traffic during the fireworks display scheduled for July 1, 2017 is necessary to protect life, property, and the environment; therefore, a 30-day notice is both impracticable and contrary to public

interest. Delaying the effective date would be contrary to the regulation's intended objectives of protecting persons and vessels and enhancing public and maritime safety.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Hampton Roads (COTP) has determined that potential hazards associated with the fireworks display scheduled for July 1, 2017, with a rain date of July 8, 2017, will be a safety concern for anyone within 60 yards of a point on land and immediately adjacent to navigable waters at latitude 37°55'41" N., longitude 075°23'09" W. This rule is needed to protect persons, vessels, and the marine environment from hazards associated with a fireworks display over the navigable waters of Chincoteague Channel.

IV. Discussion of the Rule

This rule establishes a safety zone on Chincoteague Channel, Chincoteague, VA from 9:30 p.m. through 10:30 p.m. on July 1, 2017, with a rain date of July 8, 2017. The safety zone will include all navigable waters within 60 yards of a point on land immediately adjacent to navigable waters at latitude 37°55'41" N., longitude 075°23'09" W. The duration of the safety zone is intended to protect persons, vessels, and the marine environment on navigable waters during the fireworks display. Except for participants and vessels authorized by the COTP, no vessel or person will be permitted to enter the safety zone. The COTP will provide notice of enforcement for the safety zone by all appropriate means that conveys notice to affected segments of the public, including publication in the Local Notice to Mariners and Marine Information Broadcasts.

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, duration, and time-of-year of the safety zone. Vessel traffic will be able to safely transit around this safety zone which will impact a small designated area of the Chincoteague Channel in the vicinity of Chincoteague Island, VA for 15 minutes and during a time of year when vessel traffic is normally low. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone and the rule allows vessels to request permission to enter the zone.

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 safety zone 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.ID, 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 safety zone lasting less than 15 minutes that will prohibit entry within 60 yards of a point on land immediately adjacent to navigable waters located at latitude 37°55'41" N., longitude 075°23'09" W. This action is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We request 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, 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.T05–0248 to read as follows:

§ 165.T05–0248 Safety Zone, Chincoteague Channel; Chincoteague Islands, VA.

(a) *Definitions.* For the purposes of this section, Captain of the Port means the Commander, Sector Hampton Roads. Representative means any Coast Guard commissioned, warrant or petty officer who has been authorized to act on the behalf of the Captain of the Port. Participants mean individuals and vessels involved in the fireworks display.

(b) *Locations.* The following area is a safety zone: All navigable waters of

Chincoteague Channel within 60 yards of the fireworks display located near the shoreline at a point on land at approximate position latitude 37°55'41" N., longitude 075°23'09" W. (NAD 1983).

(c) *Regulations.* (1) All persons are required to comply with the general regulations governing safety zones in § 165.23.

(2) With the exception of participants, entry into or remaining in this safety zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated representatives. All vessels underway within this safety zone at the time it is implemented are to depart the zone immediately.

(3) The Captain of the Port, Hampton Roads or his representative can be contacted at telephone number (757) 668–5555. The Coast Guard and designated security vessels enforcing the safety zone can be contacted on VHF–FM marine band radio channel 13 (165.65 Mhz) and channel 16 (156.8 Mhz).

(4) This section applies to all persons or vessels wishing to transit through the safety zone except participants and vessels that are engaged in the following operations:

- (i) Enforcing laws;
- (ii) Servicing aids to navigation, and
- (iii) Emergency response vessels.

(5) The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(d) *Enforcement period.* This section will be enforced from 9:30 p.m. through 10:30 p.m. on July 1, 2017, or on July 8, 2017, if weather renders the primary date unsuitable.

Dated: June 5, 2017.

Richard J. Wester,

Captain, U.S. Coast Guard, Captain of the Port, Hampton Road.

[FR Doc. 2017–11989 Filed 6–8–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 14

RIN 2900–AP96

Expanded Delegation Authority for Procedures Related to Representation of Claimants

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is amending its regulations on representation of claimants for VA

benefits to specifically permit additional delegations of authority within the Office of the General Counsel (OGC), update the titles of certain individuals and offices in OGC, and make a minor procedural clarification. These amendments are necessary to allow OGC to streamline the procedures related to representation of claimants and to ensure correct titles of certain individuals and offices in OGC are reflected in the regulations. In addition, a procedural clarification is being made by adding a sentence that was inadvertently omitted from a previous final rule.

DATES: *Effective Date:* This rule is effective June 9, 2017.

FOR FURTHER INFORMATION CONTACT:

Jonathan Taylor, Benefits Law Group Staff Attorney, Office of the General Counsel (022), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–7699 (this is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION: VA OGC is streamlining its procedures related to representation of VA claimants because of increased and higher-than-anticipated workload. This document amends 38 CFR part 14 to specifically permit additional delegations of authority and to update titles of OGC positions to reflect the current organization of OGC.

Under 38 U.S.C. chapter 59, the VA Secretary has authority to recognize attorneys, agents, and Veterans Service Organization (VSO) representatives for the preparation, presentation, and prosecution of benefit claims; regulate fees charged by accredited attorneys and agents; and prescribe the rules of conduct applicable while providing claims assistance. In December 2006, Congress enacted the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Pub. L. 109–461), which significantly amended chapter 59. Section 101 of the Act required VA to: (1) Regulate the qualifications and standards of conduct applicable to accredited attorneys and agents; (2) annually collect information about accredited attorneys' and agents' standing to practice or appear before any court, bar, or Federal or State agency; (3) proscribe accreditation of individuals who have been suspended or disbarred from any such entity without reinstatement; (4) add to the list of grounds for suspension or exclusion of attorneys or agents from further practice before VA; and (5) subject VSO representatives and individuals recognized for a particular claim to suspension and exclusion from further

practice before VA on the same grounds as apply to attorneys and agents.

In addition, section 101 amended the fee provisions in chapter 59 to allow paid representation by accredited attorneys and agents at an earlier stage in the VA claims adjudication process. These amendments authorized accredited attorneys and agents to charge fees for services provided after the claimant files a notice of disagreement in the case, rather than after the Board of Veterans' Appeals (Board) first makes a final decision in the case. The amendments also authorized VA to: (1) Restrict the amount of fees attorneys and agents may charge; (2) subject fee agreements between attorneys or agents and claimants to review by the Secretary, such review to be appealable to the Board; and (3) collect an assessment from any attorney or agent to whom VA pays fees directly from past-due benefits. Further, the amendments eliminated fee matters as grounds for criminal penalties under 38 U.S.C. 5905.

On May 22, 2008, VA published a final rule in the **Federal Register** (73 FR 29852) to implement the chapter 59 amendments. The final rule addressed accreditation of individuals, standards of conduct for all individuals authorized to assist claimants before VA, and attorneys' and agents' fees. Since the 2008 amendments, OGC has continued to develop and fine-tune the accreditation process. OGC's experience in administering the accreditation program over the past nine years has highlighted the need to streamline these procedures pertaining to the representation of VA claimants.

The workload of the VA's accreditation program is at an all-time high. The number of VA-accredited individuals has increased rapidly since the publication of the final rule on May 22, 2008. Prior to the June 23, 2008, effective date of the final rule, licensed attorneys did not need to apply for accreditation. Since then, VA has accredited 17,500 attorneys, an average of more than 2,000 per year. The number of VA-accredited claims agents has also increased, from 64 to approximately 400. OGC reviews thousands of accreditation applications and cancellation requests each year. Additionally, OGC must review complaints about the conduct of accredited individuals and disputes about the reasonableness of fees and expenses. Complaints and fee disputes have also increased rapidly since 2008; currently 121 complaints and 193 fee disputes are pending with OGC.

Under 38 U.S.C. 5904, Congress granted the VA Secretary the authority

to accredit agents and attorneys for practice before VA. Congress has also authorized the Secretary to delegate authority to act and to render decisions under the laws administered by VA as necessary (38 U.S.C. 512). The Secretary, then the Administrator of Veterans Affairs, first delegated this authority for the accreditation program to the General Counsel in 1954 in a new 38 CFR part 14 (19 FR 5556). This revised rule permits the General Counsel and the Deputy General Counsel for Legal Policy, as well as the Chief Counsels and Deputy Chief Counsels of the specific OGC law groups or districts, to designate others as additional individuals who are authorized to make necessary determinations on accreditation matters. Additionally, with regard to proceedings to review fee agreements under § 14.636(i) and expenses under § 14.637(d), the revised rule transfers from the Chief Counsel level to the Deputy Chief Counsel level the authority in OGC to (1) initiate a review; (2) extend the time for an agent, attorney, claimant, or appellant to respond; and (3) make a recommendation to the General Counsel. These changes will increase the timeliness of the decisions and the overall efficiency of VA's accreditation program.

In most instances, the revised rule allows the General Counsel to delegate authority to the Deputy General Counsel for Legal Policy, a Chief Counsel to delegate authority to the Deputy Chief Counsel or another appropriate designee, and a Deputy Chief Counsel to delegate authority to another appropriate designee. More broad delegation authority is provided for in the following cases of the General Counsel's authority:

1. Under § 14.629(b)(5) to grant or reinstate accreditation for an individual who remains suspended in a jurisdiction on grounds solely derivative of suspension or disbarment in another jurisdiction to which he or she has been subsequently reinstated,

2. Under § 14.636(i)(3) to make the final decision in proceedings to review fee agreements, and

3. Under § 14.637(d)(3) to make the final decision in proceedings to review expenses.

This broader delegation authority extends to the Deputy General Counsel for Legal Policy if he or she has already been designated by the General Counsel to perform these functions.

Additional revisions are being made to reflect the recent reorganization of OGC. The former titles of "Assistant General Counsel" and "Regional

Counsel" have both been changed to "Chief Counsel", the previously numbered staff groups have been given titles based on subject matter (*e.g.*, Benefits Law Group), and the former 23 Regional Counsel Offices have been changed to 10 District Chief Counsel Offices, two for each of VA's 5 districts.

Finally, a new sentence providing that, after an attorney or agent has had an opportunity to respond in proceedings to review expenses and a claimant or appellant has had an opportunity to reply to that response, the Deputy Chief Counsel will forward the record and a recommendation to the General Counsel (or, as discussed above, a designee of either the General Counsel or the Deputy General Counsel for Legal Policy) for a final decision, is being added to § 14.637(d)(3). A similar sentence was inadvertently omitted from the May 22, 2008 final rule, although the procedure was described in the preamble to the proposed rule (72 FR 25930, 25934), and can be inferred from the regulatory text of the proposed and final rule (72 FR at 25943; 73 FR at 29879). This procedure parallels that described in 38 CFR 14.636(i)(3) regarding review of fee agreements.

Administrative Procedure Act

These changes to 38 CFR part 14 are being published without regard to notice-and-comment procedures of 5 U.S.C. 553(b) because they involve only matters of agency organization, procedure, and practice, which are exempted from such notice-and-comment procedures by virtue of 5 U.S.C. 553(b)(A). This final rule consists of only nonsubstantive changes that affect internal procedures. For this reason, in accordance with 5 U.S.C. 553(d)(3), VA has determined that there is good cause to waive the 30-day delayed effective date requirement under 5 U.S.C. 553(d).

Executive Orders 12866 and 13563

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

regulatory action” requiring review by the Office of Management and Budget (OMB), unless OMB waives such review, as “any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in this Executive Order.”

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined and determined not to be a significant regulatory action under Executive Order 12866. VA’s impact analysis can be found as a supporting document at <http://www.regulations.gov>, usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA’s Web site at <http://www.va.gov/orpm/>, by following the link for “VA Regulations Published From FY 2004 Through Fiscal Year to Date.”

Regulatory Flexibility Act

The initial and final regulatory flexibility analyses requirements of sections 603 and 604 of the Regulatory Flexibility Act, 5 U.S.C. 601–612, are not applicable to this rule, because a notice of proposed rulemaking is not required for this rule. Even so, the VA Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act. This rule affects only internal VA OGC procedures. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in an expenditure by State, local, and tribal governments, in the aggregate, or by the

private sector, of \$100 million or more (adjusted annually for inflation) in any one year. This rule would have no such effect on State, local, and tribal governments, or on the private sector.

Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3521).

Catalog of Federal Domestic Assistance Numbers and Titles

There are no Federal Domestic Assistance programs associated with this final rule.

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 Veterans Affairs. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on June 5, 2017, for publication.

List of Subjects in 38 CFR Part 14

Administrative practice and procedure, Claims, Courts, Foreign relations, Government employees, Lawyers, Legal services, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Surety bonds, Trusts and trustees, Veterans.

Dated: June 5, 2017.

Jeffrey Martin,

Office Program Manager, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons set forth in the preamble, VA amends 38 CFR part 14 as follows:

PART 14—LEGAL SERVICES, GENERAL COUNSEL, AND MISCELLANEOUS CLAIMS

■ 1. The authority citation for part 14 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 2671–2680; 38 U.S.C. 501(a), 512, 515, 5502, 5901–5905; 28 CFR part 14, appendix to part 14, unless otherwise noted.

■ 2. Amend § 14.627 by:

- a. Redesignating paragraphs (l) through (r) as paragraphs (o) through (u).
- b. Redesignating paragraph (k) as paragraph (m).
- c. Redesignating paragraphs (g) through (j) as paragraphs (h) through (k).
- d. Adding new paragraphs (g), (l), and (n) to read as follows:

§ 14.627 Definitions.

* * * * *

(g) *Chief Counsel* includes a designee of the Chief Counsel.

* * * * *

(l) *Deputy Chief Counsel* includes a designee of the Deputy Chief Counsel.

* * * * *

(n) *General Counsel* includes the Deputy General Counsel for Legal Policy if designated by the General Counsel. When so designated, references to “the General Counsel or his or her designee” may further include a designee of the Deputy General Counsel for Legal Policy.

* * * * *

■ 3. Amend § 14.629 by:

- a. Revising the introductory text.
- b. In paragraph (a)(2)(ii), removing the words “a Regional Counsel with jurisdiction for the State” and adding, in its place, the words “the appropriate District Chief Counsel”.
- c. In paragraph (b)(1)(i), adding the words “Office of the” before the words “General Counsel”.
- d. In paragraph (b)(1)(ii), adding the words “Office of the” before all references to “General Counsel”.
- e. In paragraph (b)(2)(ix), removing the words “a VA Regional Counsel” and adding, in their place, the words “the appropriate District Chief Counsel”.
- f. In paragraph (b)(5) adding the words “or his or her designee” after the word “Counsel”.
- g. In paragraph (c)(1), adding the words “Office of the” before the words “General Counsel”.

The revision reads as follows:

§ 14.629 Requirements for accreditation of service organization representatives; agents; and attorneys.

The Chief Counsel with subject-matter jurisdiction will conduct an inquiry and make an initial determination regarding any question relating to the qualifications of a prospective service organization representative, agent, or attorney. If the Chief Counsel determines that the prospective service organization representative, agent, or attorney meets the requirements for accreditation in paragraphs (a) or (b) of this section, notification of accreditation will be issued by the Chief Counsel and will constitute authority to prepare, present, and prosecute claims before an agency of original jurisdiction or the Board of Veterans’ Appeals. If the Chief Counsel determines that the prospective representative, agent, or attorney does not meet the requirements for accreditation, notification will be issued by the Chief Counsel concerning the reasons for disapproval, an opportunity

to submit additional information, and any restrictions on further application for accreditation. If an applicant submits additional evidence, the Chief Counsel will consider such evidence and provide further notice concerning his or her final decision. The determination of the Chief Counsel regarding the qualifications of a prospective service organization representative, agent, or attorney may be appealed by the applicant to the General Counsel. Appeals must be in writing and filed with the Office of the General Counsel (022D), 810 Vermont Avenue NW., Washington, DC 20420, not later than 30 days from the date on which the Chief Counsel's decision was mailed. In deciding the appeal, the General Counsel's decision shall be limited to the evidence of record before the Chief Counsel. A decision of the General Counsel is a final agency action for purposes of review under the Administrative Procedure Act, 5 U.S.C. 701-706.

* * * * *

§ 14.631 [Amended]

■ 4. In § 14.631(d) remove the words "Regional Counsel of jurisdiction" and add, in their place, the words "appropriate District Chief Counsel".

§ 14.633 [Amended]

- 5. Amend § 14.633 by:
 - a. In paragraph (e), removing all references to "Assistant General" and adding, in each place, the word "Chief".
 - b. In paragraph (e) introductory text, removing the words "of jurisdiction" and adding in their place, the words "with subject-matter jurisdiction".
 - c. In paragraph (f), removing all references to "Assistant General" and adding, in each place, the word "Chief".
 - d. In paragraph (f), removing the words "or his or her designee" and adding in their place, the words "with subject-matter jurisdiction".
- 6. Amend § 14.636 by:
 - a. In paragraph (i)(2), removing the words "Assistant General Counsel" and adding, in their place, the words "Deputy Chief Counsel with subject-matter jurisdiction".
 - b. Revising paragraph (i)(3) to read as follows:

§ 14.636 Payment of fees for representation by agents and attorneys in proceedings before Agencies of Original Jurisdiction and before the Board of Veterans' Appeals.

* * * * *

(j) * * *

(3) The Office of the General Counsel shall close the record in proceedings to review fee agreements 15 days after the

date on which the agent or attorney served a response on the claimant or appellant, or 30 days after the claimant, appellant, or the Office of the General Counsel served the motion on the agent or attorney if there is no response. The Deputy Chief Counsel with subject-matter jurisdiction may, for a reasonable period upon a showing of sufficient cause, extend the time for an agent or attorney to serve an answer or for a claimant or appellant to serve a reply. The Deputy Chief Counsel shall forward the record and a recommendation to the General Counsel or his or her designee for a final decision. Unless either party files a Notice of Disagreement with the Office of the General Counsel, the attorney or agent must refund any excess payment to the claimant or appellant not later than the expiration of the time within which the Office of the General Counsel's decision may be appealed to the Board of Veterans' Appeals.

* * * * *

■ 7. Amend § 14.637 by:

- a. In paragraph (d)(2) removing the words "Assistant General Counsel" and adding, in their place, the words "Deputy Chief Counsel with subject-matter jurisdiction".
- b. Revising paragraph (d)(3) to read as follows:

§ 14.637 Payment of the expenses of agents and attorneys in proceedings before Agencies of Original Jurisdiction and before the Board of Veterans' Appeals.

* * * * *

(d) * * *

(3) The Office of the General Counsel shall close the record in proceedings to review expenses 15 days after the date on which the agent or attorney served a response on the claimant or appellant, or 30 days after the claimant, appellant, or the Office of the General Counsel served the motion on the agent or attorney if there is no response. The Deputy Chief Counsel with subject-matter jurisdiction may, for a reasonable period upon a showing of sufficient cause, extend the time for an agent or attorney to serve an answer or for a claimant or appellant to serve a reply. The Deputy Chief Counsel shall forward the record and a recommendation to the General Counsel or his or her designee for a final decision. Unless either party files a Notice of Disagreement with the Office of the General Counsel, the attorney or agent must refund any excess payment to the claimant or appellant not later than the expiration of the time within which the Office of the General Counsel's decision may be

appealed to the Board of Veterans' Appeals.

* * * * *

[FR Doc. 2017-11977 Filed 6-8-17; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R06-OAR-2014-0497; FRL-9962-47-Region 6]

Approval and Promulgation of Implementation Plans; Texas Control of Air Pollution From Motor Vehicles With Mobile Source Incentive Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving revisions to the Texas State Implementation Plan (SIP) submitted by the State of Texas that pertain to regulations to control air pollution from motor vehicles with mobile source incentive programs.

DATES: This rule is effective on September 7, 2017 without further notice, unless the EPA receives relevant adverse comment by July 10, 2017. If the EPA receives such comment, the EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket No. EPA-R06-OAR-2014-0497, at <http://www.regulations.gov> or via email to pitre.randy@epa.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, please contact Mr. Randy Pitre, (214) 665-

7299, pitre.randy@epa.gov. 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>.

Docket: The index to the docket for this action is available electronically at www.regulations.gov and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available at either location (e.g., CBI).

FOR FURTHER INFORMATION CONTACT: Mr. Randy Pitre, 214-665-7299, pitre.randy@epa.gov. To inspect the hard copy materials, please schedule an appointment with Mr. Randy Pitre or Mr. Bill Deese at 214-665-7253.

SUPPLEMENTARY INFORMATION: Throughout this document “we,” “us,” and “our” means the EPA.

I. Background

A. CAA and SIPs

Section 110 of the CAA requires states to develop and submit to the EPA a SIP to ensure that state air quality meets National Ambient Air Quality Standards. These ambient standards currently address six criteria pollutants: Carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide. Each federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin through air pollution regulations and control strategies. The EPA approved SIP regulations and control strategies are federally enforceable.

B. Texas' Submittals

Revisions with changes, additions, and extensions to the Texas SIP Mobile Source Incentive Programs found in Title 30 of the Texas Administrative Code (30 TAC), Chapter 114, (Control of Air Pollution from Motor Vehicles), Subchapter K (Mobile Source Incentive Programs) were submitted by the Texas Commission on Environmental Quality (TCEQ) on June 11, 2014, December 23, 2014, and September 15, 2016. The June 11, 2014 submittal (1) revised regulations for the Diesel Emissions Reduction Incentive Program for On-Road and Non-Road Vehicles (Division 3) and the Texas Clean Fleet Program (Division 5), and (2) added regulations for a new Drayage Truck Incentive Program (Division 8). The December 23, 2014 submittal revised the Texas Clean School Bus Program (Division 4) to

reflect the extension of this program by the Texas Legislature. The September 15, 2016 submittal amended the Drayage Truck Incentive Program regulations that were submitted on June 11, 2014.

II. The EPA's Evaluation

We have prepared a Technical Support Document (TSD) for this rulemaking which details our evaluation. Our TSD may be accessed online at <http://www.regulations.gov>, Docket No. EPA-R06-OAR-2014-0497. Because the SIP revisions pertain to economic incentive programs to reduce air pollution emissions from mobile sources we evaluated them using (1) CAA section 182(g) (Economic Incentive Program) (2) our policy guidance on economic incentive programs found in 40 CFR part 51, subpart U (Economic Incentive Programs) and (3) our guidance document “*Improving Air Quality with Economic Incentive Programs*” (EPA-452/R-01-001, January 2001, www.epa.gov/sites/production/files/2015-07/documents/eipfin.pdf). An economic incentive program achieves an air quality objective by providing market-based incentives or information to emission sources. Three fundamental principles apply to all approvable economic incentive programs: Integrity, equity, and environmental benefit. Our analysis concluded that the SIP revisions to the Texas mobile source incentive programs meet these principles and are approvable. The Mobile Source Economic Incentive Programs are consistent with the CAA as they will reduce air pollution and emissions of NO_x, which is a precursor to ozone and particulate matter. The emission reductions from replacing vehicles or replacing, repowering or retrofitting engines can be quantified, and provide an environmental benefit by reducing air pollution emissions by encouraging the use of newer diesel technologies in the Texas nonattainment areas. If Texas includes emission reductions from these programs in future attainment or reasonable further progress SIPs, EPA will evaluate the amount of reductions it achieves at that time. We are approving the Texas SIP submittals as part of the Texas SIP. A short discussion of the programs is discussed below. For more information, please see the TSD.

A. Diesel Emissions Reduction Incentive Program for On-Road and Non-Road Vehicles

The revisions to this program revise 30 TAC Sections 114.622 and 114.629. The revisions (1) remove the maximum cost-effectiveness limit of \$15,000 per ton of emissions of nitrogen oxides

(NO_x) reduced for a project, (2) allow TCEQ to set cost-effectiveness limits for projects and (3) add Wise County to the list of counties eligible for the program.¹ Removing the maximum cost-effectiveness limit and allowing TCEQ to set the limits allows for selection of eligible projects to improve air quality, even if the cost-effectiveness increases above \$15,000 per ton of NO_x. Including Wise County in the program ensures that all the Dallas-Fort Worth ozone nonattainment counties are in the program.

B. Texas Clean School Bus Program

The revisions to this program revise 30 TAC Sections 114.640, 114.642, 114.644, 114.646 and 114.648 by repealing and replacing existing provisions and revising 30 TAC Section 114.648 to clarify that the Texas Legislature had extended the program until August 31, 2019. Previously 30 TAC 114.648 stated that the program expired on August 31, 2013, unless the program is extended or reauthorized by the Texas Legislature. Other than the clarification of the current program expiration date, the revisions did not change the EPA approved SIP provisions for this program.

C. Texas Clean Fleet Program

The revisions to this program revise 30 TAC Sections 114.650, 114.653 and 114.656. The revisions allow certain projects related to agricultural product transportation (i.e., projects for trucks that move goods from a farm), to be eligible for the program to replace older heavy-duty on-road vehicles. The revisions also include a new maximum grant amount for replacement of a heavy-duty on-road vehicle or a light-duty on-road vehicle with a grant of up to 80% of the replacement vehicle.

D. Drayage Truck Incentive Program

Drayage refers to the transport of goods over a short distance. This program provides financial incentives to encourage owners to replace drayage trucks with pre-2007 model engines with drayage trucks with 2010 or later model year engines. The intent is to reduce emissions from heavy-duty on-road and non-road vehicles used for drayage activities through a seaport or rail yard.

III. Final Action

We are approving revisions to the Texas SIP that pertain to regulations to control air pollution from motor

¹ Wise County was included in the Dallas-Fort Worth ozone nonattainment area for the 2008 ozone national ambient air quality standard (77 FR 30088, 30147, May 21, 2012).

vehicles with mobile source incentive programs. The revisions were submitted on June 11, 2014, December 23, 2014 and September 15, 2016. The revisions revise regulations for (1) the Diesel Emissions Reduction Incentive Program for On-Road and Non-Road Vehicles (30 TAC Sections 114.622 and 114.629), (2) the Texas Clean School Bus Program (30 TAC Sections 114.640, 114.642, 114.644, 114.646 and 114.648), and (3) the Texas Clean Fleet Program (30 TAC Sections 114.650, 114.653 and 114.656). The revisions also add regulations for Drayage Truck Incentive Program (30 TAC Sections 114.680, 114.681 and 114.682), and the amendments to 30 TAC Sections 114.680 and 114.682.

The EPA is publishing this rule without prior proposal because we view this as a non-controversial 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 SIP revision if relevant adverse comments are received. This rule will be effective on September 7, 2017 without further notice unless we receive relevant adverse comment by July 10, 2017. If we receive relevant adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so now. Please note that if we receive relevant adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we 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, we are finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are finalizing the incorporation by reference of the revisions to the Texas 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.

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. 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 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).

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 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**. 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 August 8, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

Samuel Coleman was designated the Acting Regional Administrator on May 30, 2017 through the order of succession outlined in Regional Order R6-1110.13, a copy of which is included in the docket for this action.

List of Subjects in 40 CFR Part 52

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

Dated: May 30, 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 SS—Texas

■ 2. In § 52.2270(c), the table titled "EPA Approved Regulations in the Texas SIP" is amended by:

■ a. Revising the centered heading for Chapter 114, Subchapter K, Division 3

and the entries for sections 114.622, 114.629, 114.640, 114.642, 114.644, 114.646, 114.648, 114.650, 114.653, and 114.656; and
 ■ b. Adding, after the entry for section 114.658, the centered heading for

“Division 8: Drayage Truck Incentive Program” followed by entries for sections 114.680, 114.681, and 114.682.
 The revisions and additions read as follows:

§ 52.2270 Identification of plan.
 * * * * *
 (c) * * *

EPA APPROVED REGULATIONS IN THE TEXAS SIP

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
*	*	*	*	*
Chapter 114 (Reg 4)—Control of Air Pollution from Motor Vehicles				
*	*	*	*	*
Subchapter K—Mobile Source Incentive Programs				
Division 3: Diesel Emissions Reduction Incentive Program for On-Road and Non-Road Vehicles				
*	*	*	*	*
Section 114.622	Incentive Program Requirements	4/9/2014	6/9/2017, [Insert Federal Register citation]	
*	*	*	*	*
Section 114.629	Affected Counties and Implementation Schedule.	4/9/2014	6/9/2017, [Insert Federal Register citation]	
Division 4: Texas Clean School Bus Program				
Section 114.640	Definitions	3/26/2014	6/9/2017, [Insert Federal Register citation]	
Section 114.642	Applicability	3/26/2014	6/9/2017, [Insert Federal Register citation]	
Section 114.644	Clean School Bus Program Requirements.	3/26/2014	6/9/2017, [Insert Federal Register citation]	
Section 114.646	Monitoring, Recordkeeping, and Reporting Requirements.	3/26/2014	6/9/2017, [Insert Federal Register citation]	
Section 114.648	Expiration	3/26/2014	6/9/2017, [Insert Federal Register citation]	
Division 5: Texas Clean Fleet Program				
Section 114.650	Definitions	4/9/2014	6/9/2017, [Insert Federal Register citation]	
*	*	*	*	*
Section 114.653	Grant Eligibility	4/9/2014	6/9/2017, [Insert Federal Register citation]	
*	*	*	*	*
Section 114.656	Eligible Grant Amounts	4/9/2014	6/9/2017, [Insert Federal Register citation]	
*	*	*	*	*
Division 8: Drayage Truck Incentive Program				
Section 114.680	Definitions	8/3/2016	6/9/2017, [Insert Federal Register citation]	
Section 114.681	Applicability	4/9/2014	6/9/2017, [Insert Federal Register citation]	
Section 114.682	Eligible Vehicle Models	8/3/2016	6/9/2017, [Insert Federal Register citation]	
*	*	*	*	*

Proposed Rules

Federal Register

Vol. 82, No. 110

Friday, June 9, 2017

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2017-0515; Directorate Identifier 2016-NM-171-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 B4-600, B4-600R, and F4-600R series airplanes, Model A300 C4-605R Variant F airplanes (collectively called Model A300-600 series airplanes), and Model A310 series airplanes. This proposed AD was prompted by reports of unreliable airspeed indications that were caused by pitot heater resistance shorted to ground. This proposed AD would require replacement of certain parts. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 24, 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-2017-0515; 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-2017-0515; Directorate Identifier 2016-NM-171-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 2016-0195, dated September 30, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for certain Airbus Model A300 B4-600, B4-600R, and F4-600R series airplanes, Model A300 C4-605R Variant F airplanes (collectively called Model A300-600 series airplanes), and Model A310 series airplanes. The MCAI states:

An operator recently reported two events of unreliable airspeed indications. Investigations revealed that in both events, a Pitot heater resistance was shorted to ground.

Pitot probes are heated to prevent ice accretion. De-icing performance of the Pitot probe might be reduced if Pitot probe heater degrades over time. The magnitude of de-icing performance reduction will depend on how much the heater is degraded. The Pitot probe de-icing reduction will be hidden to the crew (the heater current detector will not trigger a “Heat Fault” because in case of short-to-case failure the resulting current variation will be limited).

In severe icing conditions, if de-icing performances are significantly reduced, it may cause unreliable airspeed events, with no cockpit effects except erroneous airspeed indication(s) displayed on the Primary Flight Display (PFD) or the standby airspeed indicators.

Unreliable airspeed indications, if not recognized by the crew, could possibly result in reduced control of the aeroplane.

To ensure proper crew awareness of unreliable airspeed indication(s) situation, Airbus introduced a dedicated Electronic Centralised Aircraft Monitoring (ECAM) Warning (Indicated Airspeed Discrepancy Warning).

The following configuration is required to enable this ECAM Warning:

- The Flight Warning Computer (FWC) standard S17 has to be installed by accomplishing Service Bulletins (SB) A310-31-2144 or A300-31-6140: This requirement was already rendered mandatory by EASA AD 2015-0174;
- The ECAM Symbol Generator Unit (SGU), standard W32, Part Number (P/N) 9612670332 has to be installed, by accomplishing Service Bulletins (SB) A310-31-2123, A300-31-6124 or SB A300-31-6113.

For the reason described above, this [EASA] AD requires a software standard upgrade of the ECAM SGU.

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-2017-0515.

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information:

- Airbus Service Bulletin A300-31-6113, Revision 03, dated July 5, 2016 (for Model A300-600 series airplanes).
- Airbus Service Bulletin A300-31-6124, Revision 01, dated July 4, 2016 (for Model A300-600 series airplanes).
- Airbus Service Bulletin A310-31-2123, Revision 01, dated July 1, 2016 (for Model A310 series airplanes).

The service information describes procedures for replacement of the ECAM SGU. These documents are distinct since they apply to different airplane configurations. 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 these same type designs.

Costs of Compliance

We estimate that this proposed AD affects 139 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
Replacement	Up to 4 work-hours × \$85 per hour = Up to \$340	Up to \$2,360	Up to \$2,700	Up to \$375,300.

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-2017-0515; Directorate Identifier 2016-NM-171-AD.

(a) Comments Due Date

We must receive comments by July 24, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5) of this AD, certificated in any category, all manufacturer serial

numbers, except those on which Airbus modification 12691 or 13665 has been embodied in production.

(1) Airbus Model A300 B4-601, B4-603, B4-620, and B4-622 airplanes.

(2) Airbus Model A300 B4-605R and B4-622R airplanes.

(3) Airbus Model A300 F4-605R and F4-622R airplanes.

(4) Airbus Model A300 C4-605R Variant F airplanes.

(5) Airbus Model A310-203, -204, -221, -222, -304, -322, -324, and -325 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 31, Instruments.

(e) Reason

This AD was prompted by reports of unreliable airspeed indications that were caused by pitot heater resistance shorted to ground. We are issuing this AD to ensure proper flightcrew awareness of unreliable airspeed indications. This condition, if not recognized by the flightcrew, could possibly result in reduced control of the airplane.

(f) Compliance

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

(g) Replacement of the Electronic Centralized Aircraft Monitoring (ECAM) Symbol Generator Unit (SGU)

Within 36 months after the effective date of this AD, replace the ECAM SGU with a new ECAM SGU (standard W32), in accordance with the Accomplishment Instructions of the service information identified in paragraph (g)(1), (g)(2), or (g)(3), as applicable.

- (1) For Airbus Model A300 B4-601, B4-603, B4-620, and B4-622 airplanes; Model A300 B4-605R and B4-622R airplanes; and Model A300 C4-605R Variant F airplanes: Airbus Service Bulletin A300-31-6113, Revision 03, dated July 5, 2016.

(2) For Airbus Model A300 F4–605R and F4–622R airplanes: Airbus Service Bulletin A300–31–6124, Revision 01, dated July 4, 2016.

(3) For Airbus Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes: Airbus Service Bulletin A310–31–2123, Revision 01, dated July 1, 2016.

(h) Parts Installation Prohibition

(1) As of the effective date of this AD, for any airplane that has ECAM SGU standard W32, part number 9612670332, installed, no person may install an ECAM SGU standard prior to W32.

(2) For any airplane that has an ECAM SGU standard prior to W32, after modification of that airplane, no person may install an ECAM SGU standard prior to W32.

(i) Credit for Previous Actions

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 (i)(1), (i)(2), or (i)(3) of this AD, as applicable.

(1) Airbus Service Bulletin A300–31–6113, Revision 02, dated September 4, 2014.

(2) Airbus Service Bulletin A300–31–6124, dated October 13, 2005.

(3) Airbus Service Bulletin A310–31–2123, dated January 4, 2006.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Branch, ANM–116, 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 (k)(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 Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC)*: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without

obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016–0195, dated September 30, 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–2017–0515.

(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 18, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–11000 Filed 6–8–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0385]

RIN 1625–AA00

Safety Zone; Canal Fest Water Ski Show; Erie Canal System, Fish Creek, Sylvan Beach, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone for certain waters of the Erie Canal System, Fish Creek, Sylvan Beach, NY. This action is necessary to provide for the safety of life on these navigable waters during the Canal Fest Water Ski Show on August 13, 2017. This proposed rulemaking would prohibit persons and vessels from passing through the safety zone during the water ski show unless authorized by the Captain of the Port Buffalo or a designated representative.

We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before July 10, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0385 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email LT Michael Collet, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716–843–9322, email SectorBuffaloMarineSafety@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On April 09, 2017, the Sylvan Verona Beach Resort Association notified the Coast Guard that it will be conducting a water ski show from 12:30 p.m. to 2:30 p.m. on August 13, 2017. The water ski show to take place in the waters of Fish Creek on the Erie Canal System contained within the following positions: Starting at position 43°11'37.79" N. and 075°43'53.27" W., running Northeast to position 43°11'43.15" N. and 075°43'44.88" W., then Southeast to 43°11'42.82" N. and 075°43'43.42" W. then Southwest to 43°11'36.90" N. and 075°43'52.06" W. then returning to the point of origin. The Captain of the Port Buffalo (COTP) has determined that a water ski show on a navigable waterway will pose a significant risk to participants and the boating public.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within the demonstration area of the scheduled event. Vessel traffic will be allowed to pass through the safety zone between demonstrations. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The COTP proposes to establish a safety zone from 12:15 p.m. to 2:30 p.m.

on August 13, 2017 that would be effective and enforced intermittently. The safety zone will encompass all waters of Fish Creek; Sylvan Beach, NY contained within the following positions: Starting at position 43°11'37.79" N. and 075°43'53.27" W., running Northeast to position 43°11'43.15" N. and 075°43'44.88" W., then Southeast to 43°11'42.82" N. and 075°43'43.42" W. then Southwest to 43°11'36.90" N. and 075°43'52.06" W. then returning to the point of origin. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 12:30 p.m. to 2:30 p.m. water skiing event. Vessels will be permitted to pass through the safety zone intermittently during the event as allowed by the COTP or the on-scene representative. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

Executive Order 13771 ("Reducing Regulation and Controlling Regulatory Costs"), directs agencies to reduce regulation and control regulatory costs and provides that "for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process."

This NPRM has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget.

As this proposed rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. See OMB's

Memorandum titled "Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs'" (February 2, 2017).

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic would be able to safely transit through this safety zone in between water skiing acts which would impact a small designated area of Fish Creek for 2.5 hours. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

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 proposed rule would not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal 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 proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule

involves the establishment of a safety zone for 2.5 hours during intermittent periods. Normally such actions are categorically excluded from further review under section 2.B.2, and Figure 2–1, paragraph 34(g) of the Instruction. Paragraph 34(g) pertains to the establishing, disestablishing, or changing Regulated Navigation Areas and security or safety zones. A preliminary Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated under the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at <http://www.regulations.gov>

and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

- 2. Add § 165.T09–0385 to read as follows:

§ 165.T09–0385 Safety Zone; Canal Fest Water Ski Show, Erie Canal System, Fish Creek, Sylvan Beach, NY.

(a) *Location.* This zone will encompass all waters of Fish Creek; Sylvan Beach, NY contained within the following positions: Starting at position 43°11'37.79" N. and 075°43'53.27" W., running Northeast to position 43°11'43.15" N. and 075°43'44.88" W., then Southeast to 43°11'42.82" N. and 075°43'43.42" W., then Southwest to 43°11'36.90" N. and 075°43'52.06" W., then returning to the point of origin.

(b) *Enforcement Period.* This regulation will be enforced intermittently on August 13, 2017 from 12:15 p.m. until 2:45 p.m.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The "on-scene representative" of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the

Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: June 5, 2017.

J.S. Dufresne,

Captain, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 2017–11951 Filed 6–8–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R6–OAR–2014–0497; FRL–9962–33–Region 6]

Approval and Promulgation of Implementation Plans; Texas Control of Air Pollution From Motor Vehicles With Mobile Source Incentive Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing to approve revisions to the Texas State Implementation Plan (SIP) submitted by the State of Texas that pertain to regulations to control air pollution from motor vehicles with mobile incentive programs.

DATES: Written comments should be received on or before July 10, 2017.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2014–0497, at <http://www.regulations.gov> or via email to pitre.randy@epa.gov. For additional information on how to submit comments see the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. Randy Pitre, (214) 665–7299, pitre.randy@epa.gov.

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, the EPA is approving the State's SIP submittal as a direct rule without prior proposal because the Agency views this as noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments

are received in response to this action no further activity is contemplated. If the EPA receives relevant 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. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

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

Dated: May 30, 2017.

Samuel Coleman,

Acting Regional Administrator, Region 6.

[FR Doc. 2017-11899 Filed 6-8-17; 8:45 am]

BILLING CODE 6560-50-P

NATIONAL FOUNDATION FOR THE ARTS AND HUMANITIES

National Endowment for the Arts

45 CFR Part 1148

RIN 3135-AA27

Implementing the Freedom of Information Act

AGENCY: National Endowment for the Arts, National Foundation for the Arts and Humanities.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend the National Endowment for the Arts' (NEA) regulations implementing the Freedom of Information Act (FOIA). The NEA proposes these amendments to update the NEA's current FOIA regulation. This proposed rule updates the NEA's regulations to reflect statutory changes to FOIA, current NEA organizational structure, and current NEA policies and practices with respect to FOIA. Finally, the rule uses current cost figures in calculating and charging fees.

DATES: Submit comments on or before July 10, 2017.

ADDRESSES: You may submit comments, identified by RIN 3135-AA27, by any of the following methods:

(a) *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.

(b) *Email:* generalcounsel@arts.gov. Include RIN 3135-AA27 in the subject line of the message.

(c) *Mail:* National Endowment for the Arts, Office of the General Counsel, 400 7th Street SW., Second Floor, Washington, DC 20506.

(d) *Hand Delivery/Courier:* National Endowment for the Arts, Office of the

General Counsel, 400 7th Street SW., Second Floor, Washington, DC 20506.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (3135-AA27) for this rulemaking.

Docket: For access to the docket to read background documents or comments received, go to 400 7th Street SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Sarah Weingast, Assistant General Counsel, National Endowment for the Arts, 400 7th St. SW., Washington, DC 20506, Telephone: 202-682-5418.

SUPPLEMENTARY INFORMATION:

1. Background

The NEA operates as part of the National Foundation on the Arts and the Humanities (Foundation) under the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 *et seq.*). The corresponding regulations published at 45 CFR chapter XI, subchapter A, apply to the entire Foundation, while the regulations published at 45 CFR chapter XI, subchapter B, apply only to the NEA.

This proposed rule implements the NEA's FOIA regulations in subchapter B and adds a new NEA-specific regulation at 45 CFR part 1148, which replaces the existing regulations in subchapter A (45 CFR part 1100) as applicable to the NEA. The proposed rule adds significant detail concerning several provisions of FOIA, and is intended to increase understanding of the NEA's FOIA policies and procedures. The NEA's new regulations at 45 CFR part 1148 will contain the policies and procedures governing public access to NEA records under FOIA (5 U.S.C. 552).

FOIA requires Federal agencies to make official documents and other records available to the public upon request, unless the material requested falls under one of the several statutorily prescribed exemptions. FOIA also requires agencies to publish rules stating the time, place, fees, and procedures to apply in making such records available. Further, section 1803 of the Freedom of Information Act of 1986 requires each agency to establish a system for recovering costs associated with responding to requests for information under FOIA.

The FOIA Improvement Act of 2016 (Pub. L. 114-185), enacted on June 30, 2016, addressed a range of procedural issues and codified guidance and best practices from the Department of Justice and the National Archives and Records Administration. The FOIA Improvement Act also changed the amount of time

agencies are required to provide for appeals to ninety (90) days. Consistent with this law and guidance, the NEA undertook a comprehensive review of its FOIA regulation. As a result of this review, the NEA proposes to revise its FOIA regulation to incorporate changes enacted by the recent policy directives, reflect developments in the case law, and include current cost figures for calculating and charging fees. These procedural changes are intended to enhance the administration and operation of the NEA's FOIA program by increasing the transparency and clarity of the NEA's FOIA procedures.

2. Compliance

Regulatory Planning and Review (Executive Order 12866)

Executive Order 12866 (E.O. 12866) established a process for review of rules by the Office of Information and Regulatory Affairs, which is within the Office of Management and Budget (OMB). Only "significant" proposed and final rules are subject to review under this Executive Order. "Significant," as used in E.O. 12866, means "economically significant." It refers to rules with (1) an impact on the economy of \$100 million; or that (2) were inconsistent or interfered with an action taken or planned by another agency; (3) materially altered the budgetary impact of entitlements, grants, user fees, or loan programs; or (4) raised novel legal or policy issues.

This proposed rule would not be a significant policy change and OMB has not reviewed this proposed rule under E.O. 12866. We have made the assessments required by E.O. 12866 and determined that this rulemaking: (1) Will not have an effect of \$100 million or more on the economy; (2) will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities; (3) will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (4) does not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients; and (5) does not raise novel legal or policy issues.

Federalism (Executive Order 13132)

This rulemaking does not have Federalism implications, as set forth in E.O. 13132. As used in this order, Federalism implications mean "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.” The NEA has determined that this rulemaking will not have Federalism implications within the meaning of E.O. 13132.

Civil Justice Reform (Executive Order 12988)

This Directive meets the applicable standards set forth in section 3(a) and 3(b)(2) of E.O. 12988. Specifically, this proposed rule is written in clear language designed to help reduce litigation.

Indian Tribal Governments (Executive Order 13175)

Under the criteria in E.O. 13175, we have evaluated this proposed rule and determined that it would have no potential effects on Federally recognized Indian Tribes.

Takings (Executive Order 12630)

Under the criteria in E.O. 12630, this rulemaking does not have significant takings implications. Therefore, a takings implication assessment is not required.

Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b))

This rulemaking will not have a significant adverse impact on a substantial number of small entities, including small businesses, small governmental jurisdictions, or certain small not-for-profit organizations.

Paperwork Reduction Act of 1995 (44 U.S.C., Chapter 35)

This rulemaking will not impose any “information collection” requirements under the Paperwork Reduction Act. Under the act, information collection means the obtaining or disclosure of facts or opinions by or for an agency by 10 or more nonfederal persons.

Unfunded Mandates Act of 1995 (Section 202, Pub. L. 104-4)

This rulemaking does not contain a Federal mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year.

National Environmental Policy Act of 1969 (5 U.S.C. 804)

The proposed rule will not have significant effect on the human environment.

Small Business Regulatory Enforcement Fairness Act of 1996 (Sec. 804, Pub. L. 104-121)

This proposed rule would not be a major rule as defined in section 804 of

the Small Business Regulatory Enforcement Fairness Act of 1996. This proposed rule will not result in an annual effect on the economy of \$100,000,000 or more, a major increase in costs or prices, significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign based companies in domestic and export markets.

E-Government Act of 2002 (44 U.S.C. 3504)

Section 206 of the E-Government Act requires agencies, to the extent practicable, to ensure that all information about that agency required to be published in the **Federal Register** is also published on a publicly accessible Web site. All information about the NEA required to be published in the **Federal Register** may be accessed at www.arts.gov. This Act also requires agencies to accept public comments on their proposed rules “by electronic means.” See heading “Public Participation” for directions on electronic submission of public comments on this proposed rule.

Finally, the E-Government Act requires, to the extent practicable, that agencies ensure that a publicly accessible Federal Government Web site contains electronic dockets for rulemakings under the Administrative Procedure Act of 1946 (5 U.S.C. 551 *et seq.*). Under this Act, an electronic docket consists of all submissions under section 553(c) of title 5, United States Code; and all other materials that by agency rule or practice are included in the rulemaking docket under section 553(c) of title 5, United States Code, whether or not submitted electronically. The Web site <https://www.regulations.gov>

contains electronic dockets for the NEA’s rulemakings under the Administrative Procedure Act of 1946.

Plain Writing Act of 2010 (5 U.S.C. 301)

Under this Act, the term “plain writing” means writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience. To ensure that this rulemaking has been written in plain and clear language so that it can be used and understood by the public, the NEA has modeled the language of this proposed rule on the Federal Plain Language Guidelines.

Public Participation

The NEA has written this proposed rule in compliance with E.O. 13563 by ensuring its accessibility, consistency,

simplicity of language, and overall comprehensibility. In addition, the public participation goals of this order are also satisfied by the NEA’s participation in a process in which its views and information are made public to the extent feasible, and before any decisions are actually made. This will allow the public the opportunity to react to the comments, arguments, and information of others during the rulemaking process. The NEA initiates its participation in an open exchange by posting the proposed regulation and its rulemaking docket on <https://www.regulations.gov>.

Finally, Section 2 of E.O. 13563 directs agencies, where feasible and appropriate, to seek the views of those who are likely to be affected by rulemaking, even before issuing a notice of proposed rulemaking. This provision emphasizes the importance of prior consultation with “those who are likely to benefit from and those who are potentially subject to such rulemaking.” One goal is to solicit ideas about alternatives, relevant costs and benefits (both quantitative and qualitative), and potential flexibilities. The NEA reaches out to interested and affected parties by soliciting comments.

List of Subjects in 45 CFR Part 1148

Administrative practice and procedure, Archives and records, Freedom of information.

For the reasons stated in the preamble, the NEA proposes to amend 45 CFR chapter XI, subchapter B, by adding part 1148 to read as follows:

PART 1148—PROCEDURES FOR DISCLOSURE OF RECORDS UNDER THE FREEDOM OF INFORMATION ACT (FOIA)

Sec.

- 1148.1 What is the purpose and scope of these regulations?
- 1148.2 How will the NEA make proactive disclosures?
- 1148.3 How can I make a FOIA request?
- 1148.4 How will the NEA respond to my request?
- 1148.5 When will the NEA respond to my request?
- 1148.6 How will I receive responses to my requests?
- 1148.7 How does the NEA handle confidential commercial information?
- 1148.8 How can I appeal a denial of my request?
- 1148.9 What are the NEA’s policies regarding preservation of records?
- 1148.10 How will fees be charged?
- 1148.11 What other rules apply to NEA FOIA requests?

Authority: 5 U.S.C. 552; 28 U.S.C. 1746; 31 U.S.C. 3717; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp.

§ 1148.1 What is the purpose and scope of these regulations?

This part contains the rules that the NEA follows in processing requests for records under the Freedom of Information Act (FOIA), 5 U.S.C. 552. These rules should be read in conjunction with the text of the FOIA and the Uniform Freedom of Information Fee Schedule and Guidelines published by the Office of Management and Budget (OMB Guidelines). Requests made by individuals for records about themselves under the Privacy Act of 1974, 5 U.S.C. 552a, are processed in accordance with the NEA's Privacy Act regulations as well as under this part.

§ 1148.2 How will the NEA make proactive disclosures?

Records that the NEA makes available for public inspection in an electronic format may be accessed through the NEA's open government page, available at <https://www.arts.gov/open>. The NEA will determine which of its records should be made publicly available, identify additional records of interest to the public that are appropriate for public disclosure, and post and index such records. The NEA will ensure that its Web site of posted records and indices is reviewed and updated on an ongoing basis.

§ 1148.3 How can I make a FOIA request?

(a) *General information.* To make a request for records, a requester should write directly to the NEA at National Endowment for the Arts, Office of General Counsel, 400 7th St. SW., Second Floor, Washington, DC 20506. Requests may also be sent by facsimile to the General Counsel's office at (202) 682-5572, or by email to foia@arts.gov.

(b) *Identity requirements.* Depending on the type of document you ask for, the NEA may require verification of your identity or the identity of a third party.

(1) A requester who is making a request for records about himself or herself must comply with the NEA's verification requirements as set forth in § 1159.9 of this chapter.

(2) Where a request for records pertains to another individual, a requester may receive greater access by submitting either a notarized authorization signed by that individual or a declaration made in compliance with the requirements set forth in 28 U.S.C. 1746 by that individual authorizing disclosure of the records to the requester, or by submitting proof that the individual is deceased (e.g., a copy of a death certificate or an obituary). As an exercise of administrative discretion, the NEA may

require a requester to supply additional information if necessary in order to verify that a particular individual has consented to disclosure.

(c) *Description of records sought.* Requesters must describe the records sought in sufficient detail to enable NEA personnel to locate them with a reasonable amount of effort. To the extent possible, requesters should include specific information that may help the NEA identify the requested records, such as the date, title or name, author, recipient, subject matter of the record, case number, file designation, or reference number. Before submitting their requests, requesters may contact the NEA's designated FOIA contact or FOIA Public Liaison to discuss the records they seek and to receive assistance in describing the records. Contact information for the NEA's designated FOIA contact and FOIA Public Liaison is available on the NEA's FOIA Web site (<https://www.arts.gov/freedom-information-act-guide>), or can be obtained by calling (202) 682-5514. If after receiving a request, the NEA determines that it does not reasonably describe the records sought, the NEA will inform the requester what additional information is needed or why the request is otherwise insufficient. Requesters who are attempting to reformulate or modify such a request may discuss their request with the NEA's designated FOIA contact or FOIA Public Liaison. If a request does not reasonably describe the records sought, the NEA's response to the request may be delayed.

(d) *Format specifications.* Requests may specify the preferred form or format (including electronic formats) for the records you seek. The NEA will accommodate your request if the record is readily reproducible in that form or format.

(e) *Contact information requirements.* Requesters must provide contact information, such as their phone number, email address, and/or mailing address, to assist the NEA in communicating with them and providing released records.

§ 1148.4 How will the NEA respond to my request?

(a) *In general.* In determining which records are responsive to a request, the NEA ordinarily will include only records in its possession as of the date that it begins its search. If any other date is used, the NEA will inform the requester of that date. A record that is excluded from the requirements of the FOIA pursuant to 5 U.S.C. 552(c), is not considered responsive to a request.

(b) *Authority to grant or deny requests.* The NEA Chairperson or his/her designee is authorized to grant or to deny any requests for records that are maintained by the NEA.

(c) *Consultation and referral.* When reviewing records located by the NEA in response to a request, the NEA will determine whether another agency of the Federal Government is better able to determine whether the record is exempt from disclosure under the FOIA. As to any such record, the NEA will proceed in one of the following ways:

(1) *Consultation.* When records originated with the NEA, but contain within them information of interest to another agency or other Federal Government office, the NEA will typically consult with that other entity prior to making a release determination.

(2) *Referral.* (i) When the NEA believes that a different agency is best able to determine whether to disclose the record, the NEA typically should refer the responsibility for responding to the request regarding that record to that agency. Ordinarily, the agency that originated the record is presumed to be the best agency to make the disclosure determination. However, if the NEA and the originating agency jointly agree that the NEA is in the best position to respond regarding the record, then the record may be handled as a consultation.

(ii) Whenever the NEA refers any part of the responsibility for responding to a request to another agency, it will document the referral, maintain a copy of the record that it refers, and notify the requester of the referral, informing the requester of the name(s) of the agency to which the record was referred, including that agency's FOIA contact information.

(d) *Timing of responses to consultations and referrals.* The NEA will consider a FOIA request to be a perfected FOIA request if it complies with this section. All consultations and referrals received by the NEA will be handled in the order of the date that the first agency received the perfected FOIA request.

(e) *Agreements regarding consultations and referrals.* The NEA may establish agreements with other agencies to eliminate the need for consultations or referrals with respect to particular types of records.

§ 1148.5 When will the NEA respond to my request?

(a) *In general.* The NEA ordinarily will respond to requests according to their order of receipt.

(b) *Multitrack processing.* The NEA will designate a specific track for

requests that are granted expedited processing, in accordance with the standards set forth in paragraph (e) of this section. The NEA may also designate additional processing tracks that distinguish between simple and more complex requests based on the estimated amount of work or time needed to process the request. Among the factors the NEA may consider are the number of records requested, the number of pages involved in processing the request and the need for consultations or referrals. The NEA will advise requesters of the track into which their request falls and, when appropriate, will offer the requesters an opportunity to narrow or modify their request so that it can be placed in a different processing track.

(c) *Unusual circumstances.* Whenever the NEA cannot meet the statutory time limit for processing a request because of "unusual circumstances," as defined in the FOIA, and the NEA extends the time limit on that basis, the NEA will, 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 NEA estimates processing of the request will be completed. Where the extension exceeds 10 working days, the NEA will, 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. The NEA will make available its designated FOIA contact or FOIA Public Liaison for this purpose. The NEA will also alert requesters to the availability of the Office of Government Information Services (OGIS) to provide dispute resolution services.

(d) *Aggregating requests.* To satisfy unusual circumstances under the FOIA, the NEA may aggregate requests in cases where it reasonably appears that multiple requests, submitted either by a requester or by a group of requesters acting in concert, constitute a single request that would otherwise involve unusual circumstances. The NEA will not aggregate multiple requests that involve unrelated matters.

(e) *Expedited processing.* Consistent with 5 U.S.C. 552(a)(6)(E)(i), the NEA may grant expedited processing under certain circumstances:

(1) The NEA will process requests and appeals on an expedited basis whenever it is determined that they involve:

(i) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) An urgency to inform the public about an actual or alleged Federal

Government activity, if made by a person who is primarily engaged in disseminating information.

(2) A request for expedited processing may be made at any time. Requests based on paragraphs (e)(1)(i) and (ii) of this section must be submitted to the NEA Office of General Counsel. When making a request for expedited processing of an administrative appeal, the request should be submitted to the NEA's FOIA Appeals Office per § 1148.8(a).

(3) A requester who seeks expedited processing must submit a statement, certified to be true and correct, explaining in detail the basis for making the request for expedited processing. For example, under paragraph (e)(1)(ii) of this section, a requester who is not a full-time member of the news media must establish that the requester is a person whose primary professional activity or occupation is information dissemination, though it need not be the requester's sole occupation. Such a requester also must establish a particular urgency to inform the public about the government activity involved in the request—one that extends beyond the public's right to know about government activity generally. The existence of numerous articles published on a given subject can be helpful in establishing the requirement that there be an "urgency to inform" the public on the topic. As a matter of administrative discretion, the NEA may waive the formal certification requirement.

(4) The NEA will notify the requester within 10 calendar days of the receipt of a request for expedited processing of its decision whether to grant or deny expedited processing. If expedited processing is granted, the request must be given priority, placed in the processing track for expedited requests, and must be processed as soon as practicable. If a request for expedited processing is denied, the NEA will act on any appeal of that decision expeditiously.

§ 1148.6 How will I receive responses to my requests?

(a) *In general.* The NEA, to the extent practicable, will communicate with requesters having access to the Internet electronically, such as email or Web portal.

(b) *Acknowledgments of requests.* The NEA will acknowledge the request in writing and assign it an individualized tracking number if it will take longer than 10 working days to process. The NEA will include in the acknowledgment a brief description of

the records sought to allow requesters to more easily keep track of their requests.

(c) *Estimated dates of completion and interim responses.* Upon request, the NEA will provide an estimated date by which the NEA expects to provide a response to the requester. If a request involves a voluminous amount of material, or searches in multiple locations, the NEA may provide interim responses, releasing the records on a rolling basis.

(d) *Grants of requests.* Once the NEA determines it will grant a request in full or in part, it will notify the requester in writing. The NEA will also inform the requester of any fees charged under § 1148.10 and will disclose the requested records to the requester promptly upon payment of any applicable fees. The NEA will inform the requester of the availability of its FOIA Public Liaison to offer assistance.

(e) *Adverse determinations of requests.* If the NEA makes an adverse determination denying a request in any respect, it will notify the requester of that determination in writing. Adverse determinations, or denials of requests, include decisions that: The requested record is exempt, in whole or in part; the request does not reasonably describe the records sought; the information requested is not a record subject to the FOIA; the requested record does not exist, cannot be located, or has been destroyed; or the requested record is not readily reproducible in the form or format sought by the requester. Adverse determinations also include denials involving fees or fee waiver matters or denials of requests for expedited processing.

(f) *Content of denial.* The denial will be signed by the NEA's General Counsel or designee and will include:

(1) The name and title or position of the person responsible for the denial;

(2) A brief statement of the reasons for the denial, including any FOIA exemption applied by the NEA in denying the request;

(3) An estimate of the volume of any records or information withheld, such as the number of pages or some other reasonable form of estimation, although such an estimate is not required if the volume is otherwise indicated by deletions marked on records that are disclosed in part or if providing an estimate would harm an interest protected by an applicable exemption;

(4) A statement that the denial may be appealed under § 1148.8(a), and a description of the appeal requirements; and

(5) A statement notifying the requester of the assistance available from the NEA's FOIA Public Liaison and the

dispute resolution services offered by OGIS.

(g) *Use of record exclusions.* In the event that the NEA identifies records that may be subject to exclusion from the requirements of the FOIA pursuant to 5 U.S.C. 552(c), the NEA will confer with Department of Justice, Office of Information Policy, to obtain approval to apply the exclusion. The NEA, when invoking an exclusion will maintain an administrative record of the process of invocation and approval of the exclusion by OIP.

§ 1148.7 How does the NEA handle confidential commercial information?

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

(1) *Confidential commercial information* means commercial or financial information obtained by the NEA from a submitter that may be protected from disclosure under Exemption 4 of the FOIA, 5 U.S.C. 552(b)(4).

(2) *Submitter* means any person or entity, including a corporation, State, or foreign government, but not including another Federal Government entity, that provides confidential commercial information, either directly or indirectly to the Federal Government.

(b) *Designation of confidential commercial information.* A submitter of confidential commercial information must use good faith efforts to designate by appropriate markings, at the time of submission, any portion of its submission that it considers to be protected from disclosure under Exemption 4. These designations expire 10 years after the date of the submission unless the submitter requests and provides justification for a longer designation period.

(c) *When notice to submitters is required.* The following rules and procedures determine when the NEA will provide written notice to submitters of confidential commercial information that their information may be disclosed under FOIA.

(1) The NEA will promptly provide written notice to the submitter of confidential commercial information whenever records containing such information are requested under the FOIA if the NEA determines that it may be required to disclose the records, provided:

(i) The requested information has been designated in good faith by the submitter as information considered protected from disclosure under Exemption 4; or

(ii) The NEA has a reason to believe that the requested information may be protected from disclosure under

Exemption 4, but has not yet determined whether the information is protected from disclosure.

(2) The notice will either describe the commercial information requested or include a copy of the requested records or portions of records containing the information. In cases involving a voluminous number of submitters, the NEA may post or publish a notice in a place or manner reasonably likely to inform the submitters of the proposed disclosure, instead of sending individual notifications.

(d) *Exceptions to submitter notice requirements.* The notice requirements of this section do not apply if:

(1) The NEA determines that the information is exempt under the FOIA, and therefore will not be disclosed;

(2) The information has been lawfully published or has been officially made available to the public;

(3) Disclosure of the information is required by a statute other than the FOIA or by a regulation issued in accordance with the requirements of Executive Order 12,600 of June 23, 1987; or

(4) The designation made by the submitter under paragraph (b) of this section appears obviously frivolous. In such case, the NEA will give the submitter written notice of any final decision to disclose the information within a reasonable number of days prior to a specified disclosure date.

(e) *Opportunity to object to disclosure.* A submitter will have the opportunity to object to disclosure of information under FOIA.

(1) The NEA will specify a reasonable time period within which the submitter must respond to the notice referenced in paragraph (c) of this section.

(2) If a submitter has any objections to disclosure, it must provide the NEA a detailed written statement that specifies all grounds for withholding the particular information under any exemption of the FOIA. In order to rely on Exemption 4 as basis for nondisclosure, the submitter must explain why the information constitutes a trade secret or commercial or financial information that is confidential.

(3) A submitter who fails to respond within the time period specified in the notice will be considered to have no objection to disclosure of the information. The NEA is not required to consider any information received after the date of any disclosure decision. Any information provided by a submitter under this subpart may itself be subject to disclosure under the FOIA.

(f) *Analysis of objections.* The NEA must consider a submitter's objections and specific grounds for nondisclosure

in deciding whether to disclose the requested information.

(g) *Notice of intent to disclose.* Whenever the NEA decides to disclose information over the objection of a submitter, the NEA will provide the submitter written notice, which will include:

(1) A statement of the reasons why each of the submitter's disclosure objections was not sustained;

(2) A description of the information to be disclosed or copies of the records as the NEA intends to release them; and

(3) A specified disclosure date, which will be a reasonable time after the notice.

(h) *Notice of FOIA lawsuit.* Whenever a requester files a lawsuit seeking to compel the disclosure of confidential commercial information, the NEA will promptly notify the submitter.

(i) *Requester notification.* The NEA will notify the requester whenever it provides the submitter with notice and an opportunity to object to disclosure; whenever it notifies the submitter of its intent to disclose the requested information; and whenever a submitter files a lawsuit to prevent the disclosure of the information.

§ 1148.8 How can I appeal a denial of my request?

(a) *Requirements for making an appeal.* A requester may appeal any adverse determinations to the NEA's office designated to receive FOIA appeals ("FOIA Appeals Office"). Examples of adverse determinations are provided in § 1148.6(e). Requesters can submit appeals by mail by writing to NEA Chairman, c/o Office of General Counsel, National Endowment for the Arts, 400 7th Street SW., Washington, DC 20506, or online in accordance with instructions on the NEA's Web site (<https://www.arts.gov/freedom-information-act-guide>). The requester must make the appeal in writing and to be considered timely it must be postmarked, or in the case of electronic submissions, transmitted, within 90 calendar days after the date of the response. The appeal should clearly identify the NEA's determination that is being appealed and the assigned request number. To facilitate handling, the requester should mark both the appeal letter and envelope, or subject line of the electronic transmission, "Freedom of Information Act Appeal."

(b) *Adjudication of appeals.* (1) The NEA Chairperson or his/her designee will act on behalf of the NEA's Chief FOIA Officer on all appeals under this section.

(2) An appeal ordinarily will not be adjudicated if the request becomes a matter of FOIA litigation.

(c) *Decisions on appeals.* The NEA will provide its decision on an appeal in writing. A decision that upholds the NEA's determination in whole or in part will contain a statement that identifies the reasons for its decision, including any FOIA exemptions applied. The decision will provide the requester with notification of the statutory right to file a lawsuit and will inform the requester of the dispute resolution 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 NEA's decision is remanded or modified on appeal, the NEA will notify the requester of that determination in writing. The NEA will then further process the request in accordance with that appeal determination and will respond directly to the requester.

(d) *Engaging in dispute resolution services provided by OGIS.* Dispute resolution is a voluntary process. If the NEA agrees to participate in the dispute resolution services provided by OGIS, it will actively engage as a partner to the process in an attempt to resolve the dispute.

(e) *When appeal is required.* Before seeking review by a court of the NEA's adverse determination, a requester generally must first submit a timely administrative appeal.

(f) *Timing of appeal.* After receiving the NEA's adverse determination, a requester has 90 days to file an appeal in order for it to be considered timely. The NEA will not process or consider appeals that were not filed within 90 days of the receipt of an adverse determination.

§ 1148.9 What are the NEA's policies regarding preservation of records?

The NEA will preserve all correspondence pertaining to the requests that it receives under this part, as well as copies of all requested records, until disposition or destruction is authorized pursuant to title 44 of the United States Code or the General Records Schedule 4.2 of the National Archives and Records Administration. The NEA will not dispose of or destroy records while they are the subject of a pending request, appeal, or lawsuit under the FOIA.

§ 1148.10 How will fees be charged?

(a) *In general.* (1) The NEA 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, the FOIA establishes three categories of requesters:

- (i) Commercial use requesters;
- (ii) Non-commercial scientific or educational institutions or news media requesters; and
- (iii) All other requesters.

(2) Different fees are assessed depending on the category. Requesters may seek a fee waiver. The NEA will consider requests for fee waiver in accordance with the requirements in paragraph (k) of this section. To resolve any fee issues that arise under this section, the NEA may contact a requester for additional information. The NEA will ensure that searches, review, and duplication are conducted in the most efficient and the least expensive manner. The NEA ordinarily will collect all applicable fees before sending copies of records to a requester. Requesters must pay fees by check or money order made payable to the Treasury of the United States, or by another method as determined by the NEA.

(b) *Definitions.* For purposes of this section:

(1) *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 NEA'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 NEA will notify requesters of their placement in this category.

(2) *Direct costs* are those expenses that the NEA incurs in searching for and duplicating (and, in the case of commercial use requests, reviewing) records in order to respond to a FOIA request. For example, direct costs include the salary of the employee performing the work (*i.e.*, the basic rate of pay for the employee, plus 16 percent of that rate to cover benefits) and the cost of operating computers and other electronic equipment, such as photocopiers and scanners. Direct costs do not include overhead expenses such as the costs of space, and of heating or lighting a facility.

(3) *Duplication* is reproducing a copy of a record, or of the information contained in it, necessary to respond to a FOIA request. Copies can take the form of paper, audiovisual materials, or electronic records, among others.

(4) *Educational institution* is any school that operates a program of scholarly research. A requester in this fee category must show that the request

is made in connection with his or her role at the educational institution. The NEA may seek verification from the requester that the request is in furtherance of scholarly research and the NEA will advise requesters of their placement in this category.

Example 1 to § 1148.10(b)(4). A request from a professor of geology at a university for records relating to soil erosion, written on letterhead of the Department of Geology, would be presumed to be from an educational institution.

Example 2 to § 1148.10(b)(4). A request from the same professor of geology seeking drug information from the Food and Drug Administration in furtherance of a murder mystery he is writing would not be presumed to be an institutional request, regardless of whether it was written on institutional stationery.

Example 3 to § 1148.10(b)(4). A student who makes a request in furtherance of their coursework or other school-sponsored activities and provides a copy of a course syllabus or other reasonable documentation to indicate the research purpose for the request, would qualify as part of this fee category.

(5) *Noncommercial scientific institution* is an institution that is not operated on a "commercial" basis, as defined in paragraph (b)(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 NEA will advise requesters of their placement in this category.

(6) *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. Examples of news media entities include television or radio stations that broadcast "news" to the public at large and publishers of periodicals that disseminate "news" and make their products available through a variety of means to the general public, including news organizations that disseminate solely on the Internet. A request for records supporting the news-dissemination

function of the requester will not be considered to be for a commercial use. "Freelance" journalists who demonstrate a solid basis for expecting publication through a news media entity will be considered as a representative of the news media. A publishing contract would provide the clearest evidence that publication is expected; however, the NEA may also consider a requester's past publication record in making this determination. The NEA will advise requesters of their placement in this category.

(7) *Review* is the examination of a record located in response to a request in order to determine whether any portion of it is exempt from disclosure. Review time includes processing any record for disclosure, such as doing all that is necessary to prepare the record for disclosure, including the process of redacting the record and marking the appropriate exemptions. Review costs are properly charged even if a record ultimately is not disclosed. Review time also includes time spent both obtaining and considering any formal objection to disclosure made by a confidential commercial information submitter under § 1148.7, but it does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(8) *Search* is the process of looking for and retrieving records or information responsive to a request. Search time includes page-by-page or line-by-line identification of information within records and the reasonable efforts expended to locate and retrieve information from electronic records.

(c) *Charging fees.* In responding to FOIA requests, the NEA will charge the following fees unless a waiver or reduction of fees has been granted under paragraph (k) of this section. Because the fee amounts provided in paragraphs (c)(1) through (3) of this section already account for the direct costs associated with a given fee type, the NEA will not add any additional costs to charges calculated under this section.

(1) *Searches.* The following fee policies apply to searches:

(i) Requests made by educational institutions, noncommercial scientific institutions, or representatives of the news media are not subject to search fees. The NEA will charge search fees for all other requesters, subject to the restrictions of paragraph (d) of this section. The NEA may properly charge for time spent searching even if the NEA does not locate any responsive records or if the NEA determines that the records are entirely exempt from disclosure.

(ii) For manual searches, the fee charged will be the salary rate or rates of the employee or employees conducting the search. For computer searches, the fee charged will be the actual direct cost of providing the service, including the salary rate or rates of the operator(s) or programmer(s) conducting the search. The salary rate is calculated as the particular employee's basic pay plus 16.1 percent. The NEA may charge fees even if the documents are determined to be exempt from disclosure or cannot be located.

(iii) The NEA will charge the direct costs associated with conducting any search that requires the creation of a new computer program to locate the requested records. The NEA will notify the requester of the costs associated with creating such a program, and the requester must agree to pay the associated costs before the costs may be incurred.

(iv) For requests that require the retrieval of records stored by the NEA at a Federal records center operated by the National Archives and Records Administration (NARA), the NEA will charge additional costs in accordance with the Transactional Billing Rate Schedule established by NARA.

(2) *Duplication.* The NEA will charge duplication fees to all requesters, subject to the restrictions of paragraph (d) of this section. The NEA will honor a requester's preference for receiving a record in a particular form or format where the NEA can readily reproduce it in the form or format requested. Where photocopies are supplied, the NEA will provide one copy per request at the cost of \$.10 per single sided page, and \$.20 per double sided page. For copies of records produced on tapes, disks, or other media, the NEA will charge the direct costs of producing the copy, including operator time. Where paper documents must be scanned in order to comply with a requester's preference to receive the records in an electronic format, the requester must also pay the direct costs associated with scanning those materials. For other forms of duplication, the NEA will charge the direct costs.

(3) *Review.* The NEA will charge review fees to requesters who make commercial use requests. Review fees will be assessed in connection with the initial review of the record, *i.e.*, the review conducted by the NEA to determine whether an exemption applies to a particular record or portion of a record. No charge will be made for review at the administrative appeal stage of exemptions applied at the initial review stage. However, if a particular exemption is deemed to no

longer apply, any costs associated with the NEA's re-review of the records in order to consider the use of other exemptions may be assessed as review fees. Review fees will be charged at the same rates as those charged for a search under paragraph (c)(1)(ii) of this section.

(d) *Restrictions on charging fees.* The NEA will adhere to the following restrictions regarding fees it charges:

(1) When the NEA determines that a requester is an educational institution, non-commercial scientific institution, or representative of the news media, and the records are not sought for commercial use, it will not charge search fees.

(2) If the NEA fails to comply with the FOIA's time limits in which to respond to a request, it will not charge search fees, or, in the instances of requests from requesters described in paragraph (d)(1) of this section, may not charge duplication fees, except as described in paragraphs (d)(3) through (5) of this section.

(3) If the NEA has determined that unusual circumstances as defined by the FOIA apply and the NEA provided timely written notice to the requester in accordance with the FOIA, a failure to comply with the time limit shall be excused for an additional 10 days.

(4) If the NEA has determined that unusual circumstances, as defined by the FOIA, apply and more than 5,000 pages are necessary to respond to the request, the NEA may charge search fees, or, in the case of requesters described in paragraph (d)(1) of this section, may charge duplication fees, if the following steps are taken:

(i) The NEA provided timely written notice of unusual circumstances to the requester in accordance with the FOIA; and

(ii) The NEA discussed with the requester via written mail, email, or telephone (or made not less than three good-faith attempts to do so) how the requester could effectively limit the scope of the request in accordance with 5. U.S.C. 552(a)(6)(B)(ii). If this exception is satisfied, the NEA may charge all applicable fees incurred in the processing of the request.

(5) If a court has determined that exceptional circumstances exist, as defined by the FOIA, a failure to comply with the time limits shall be excused for the length of time provided by the court order.

(6) No search or review fees will be charged for a quarter-hour period unless more than half of that period is required for search or review.

(7) Except for requesters seeking records for a commercial use, the NEA will provide without charge:

(i) The first 100 pages of duplication (or the cost equivalent for other media); and

(ii) The first two hours of search.

(8) No fee will be charged when the total fee, after deducting the 100 free pages (or its cost equivalent) and the first two hours of search, is equal to or less than \$25.

(e) *Notice of anticipated fees in excess of \$25.00.* The following procedures apply when the NEA anticipates fees to be in excess of \$25.00.

(1) When the NEA determines or estimates that the fees to be assessed in accordance with this section will exceed \$25.00, the NEA will notify the requester of the actual or estimated amount of the fees, including a breakdown of the fees for search, review or duplication, unless the requester has indicated a willingness to pay fees as high as those anticipated. If only a portion of the fee can be estimated readily, the NEA will advise the requester accordingly. If the request is not for noncommercial use, the notice will specify that the requester is entitled to the statutory entitlements of 100 pages of duplication at no charge and, if the requester is charged search fees, two hours of search time at no charge, and will advise the requester whether those entitlements have been provided.

(2) If the NEA notifies the requester that the actual or estimated fees are in excess of \$25.00, the request will not be considered received and further work will not be completed until the requester commits in writing to pay the actual or estimated total fee, or designates some amount of fees the requester is willing to pay, or in the case of a noncommercial use requester who has not yet been provided with the requester's statutory entitlements, designates that the requester seeks only that which can be provided by the statutory entitlements. The requester must provide the commitment or designation in writing, and must, when applicable, designate an exact dollar amount the requester is willing to pay. The NEA is not required to accept payments in installments.

(3) If the requester has indicated a willingness to pay some designated amount of fees, but the NEA estimates that the total fee will exceed that amount, the NEA will toll the processing of the request when it notifies the requester of the estimated fees in excess of the amount the requester has indicated a willingness to pay. The NEA will inquire whether the requester wishes to revise the amount of fees the requester is willing to pay or modify the request. Once the requester responds, the time to respond will

resume from where it was at the date of the notification.

(4) The NEA will make available its FOIA Public Liaison or other designated FOIA contact to assist any requester in reformulating a request to meet the requester's needs at a lower cost.

(f) *Charges for other services.* Although not required to provide special services, if the NEA chooses to do so as a matter of administrative discretion, the direct costs of providing the service will be charged. Examples of such services include certifying that records are true copies, providing multiple copies of the same document, or sending records by means other than first class mail.

(g) *Charging interest.* The NEA may charge interest on any unpaid bill starting on the 31st day following the date of billing the requester. Interest charges will be assessed at the rate provided in 31 U.S.C. 3717 and will accrue from the billing date until payment is received by the NEA. The NEA will follow the provisions of the Debt Collection Act of 1982 (Pub. L. 97-365, 96 Stat. 1749), as amended, and its administrative procedures, including the use of consumer reporting agencies, collection agencies, and offset.

(h) *Aggregating requests.* When the NEA reasonably believes that a requester or a group of requesters acting in concert is attempting to divide a single request into a series of requests for the purpose of avoiding fees, the NEA may aggregate those requests and charge accordingly. The NEA may presume that multiple requests of this type made within a 30-day period have been made in order to avoid fees. For requests separated by a longer period, the NEA will aggregate them only where there is a reasonable basis for determining that aggregation is warranted in view of all the circumstances involved. Multiple requests involving unrelated matters cannot be aggregated.

(i) *Advance payments.* The following policies and procedures apply to advanced payments of fees:

(1) For requests other than those described in paragraph (i)(2) or (3) of this section, the NEA will not require the requester to make an advance payment before work is commenced or continued on a request. Payment owed for work already completed (*i.e.*, payment before copies are sent to a requester) is not an advance payment.

(2) When the NEA determines or estimates that a total fee to be charged under this section will exceed \$250.00, it may require that the requester make an advance payment up to the amount of the entire anticipated fee before

beginning to process the request. The NEA may elect to process the request prior to collecting fees when it receives a satisfactory assurance of full payment from a requester with a history of prompt payment.

(3) Where a requester has previously failed to pay a properly charged FOIA fee to any agency within 30 calendar days of the billing date, the NEA may require that the requester pay the full amount due, plus any applicable interest on that prior request, and the NEA may require that the requester make an advance payment of the full amount of any anticipated fee before the NEA begins to process a new request or continues to process a pending request or any pending appeal. Where the NEA has a reasonable basis to believe that a requester has misrepresented the requester's identity in order to avoid paying outstanding fees, it may require that the requester provide proof of identity.

(4) In cases in which the NEA requires advance payment, the request will not be considered received and further work will not be completed until the required payment is received. If the requester does not pay the advance payment within 30 calendar days after the date of the NEA's fee determination, the request will be closed.

(j) *Other statutes specifically providing for fees.* The fee schedule of this section does not apply to fees charged under any statute that specifically requires the NEA to set and collect fees for particular types of records. In instances where records responsive to a request are subject to a statutorily-based fee schedule program, the NEA will inform the requester of the contact information for that program.

(k) *Requirements for waiver or reduction of fees.* The following policies and procedures apply to fee waivers or reductions of fees.

(1) Requesters may seek a waiver of fees by submitting a written application demonstrating how disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(2) The NEA will furnish records responsive to a request without charge or at a reduced rate when it determines, based on all available information, that the factors described in paragraphs (k)(2)(i) through (iii) of this section are satisfied:

(i) Disclosure of the requested information would shed light on the operations or activities of the government. The subject of the request

must concern identifiable operations or activities of the Federal Government with a connection that is direct and clear, not remote or attenuated.

(ii) Disclosure of the requested information is likely to contribute significantly to public understanding of those operations or activities. This factor is satisfied when the following criteria are met:

(A) Disclosure of the requested records must be meaningfully informative about government operations or activities. The disclosure of information that already is in the public domain, in either the same or a substantially identical form, would not be meaningfully informative if nothing new would be added to the public's understanding.

(B) The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area as well as the requester's ability and intention to effectively convey information to the public must be considered. The NEA will presume that a representative of the news media will satisfy this consideration.

(iii) The disclosure must not be primarily in the commercial interest of

the requester. To determine whether disclosure of the requested information is primarily in the commercial interest of the requester, the NEA will consider the following criteria:

(A) The NEA will identify whether the requester has any commercial interest that would be furthered by the requested disclosure. A commercial interest includes any commercial, trade, or profit interest. Requesters will be given an opportunity to provide explanatory information regarding this consideration.

(B) If there is an identified commercial interest, the NEA will determine whether that is the primary interest furthered by the request. A waiver or reduction of fees is justified when the requirements of paragraphs (k)(2)(i) and (ii) of this section are satisfied and any commercial interest is not the primary interest furthered by the request. The NEA ordinarily will presume that when a news media requester has satisfied the factors in paragraphs (k)(2)(i) and (ii) of this section, the request is not primarily in the commercial interest of the requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return will not be presumed to primarily serve the public interest.

(3) Where only some of the records to be released satisfy the requirements for a waiver of fees, a waiver will be granted for those records.

(4) Requests for a waiver or reduction of fees should be made when the request is first submitted to the NEA and should address the criteria referenced in paragraphs (k)(1) through (3) of this section. A requester may submit a fee waiver request at a later time so long as the underlying record request is pending or on administrative appeal. When a requester who has committed to pay fees subsequently asks for a waiver of those fees and that waiver is denied, the requester must pay any costs incurred up to the date the fee waiver request was received.

§ 1148.11 What other rules apply to NEA FOIA requests?

Nothing in this part shall be construed to entitle any person, as of right, to any service or to the disclosure of any record to which such person is not entitled under the FOIA.

Dated: May 30, 2017.

Kathy N. Daum,

Director, Administrative Services Office.

[FR Doc. 2017-11459 Filed 6-8-17; 8:45 am]

BILLING CODE 7537-01-P

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

DEPARTMENT OF AGRICULTURE

Forest Service

Superior National Forest, Kawishiwi Ranger District; Minnesota; Hi Lo Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA, Forest Service, will prepare an Environmental Impact Statement (EIS) for the Hi Lo Project. Proposed activities would manage forest vegetation composition, structure, and spatial patterns, as well as the transportation system associated with these activities.

Proposed vegetation activities include creating young forest, improving stand conditions through uneven age management, and restoring stand conditions through a variety of methods. Treatments are proposed throughout the project area, including within three Forest Plan Inventoried Roadless Areas (IRA) and two Roadless Area Conservation Rule Areas (RACR). The proposal would include a project-specific Forest Plan Amendment for prescribed burning within the Boundary Waters Canoe Area Wilderness (hereinafter Wilderness). The Amendment would accommodate only those acres identified in the Wilderness necessary to fulfill the purpose and need of the Hi Lo Project.

DATES: Comments concerning the scope of the analysis must be received by July 10, 2017. The draft EIS is expected September 2017 and the final EIS is expected January 2018.

ADDRESSES: Send written comments to Douglas Smith, Kawishiwi District Ranger, Hi Lo Project EIS, 1393 Hwy. 169, Ely, MN 55731. Comments may also be sent via email to comments-eastern-superior-kawishiwi@fs.fed.us or via facsimile to (218) 365-7605.

FOR FURTHER INFORMATION CONTACT:

Linda Merriman, Hi Lo Project Leader, 1393 Hwy. 169, Ely, MN 55731, telephone (218) 365-2095 or lmerriman@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 a.m. and 8 p.m., Eastern Time, Monday through Friday. The initial and modified proposed action documents can also be found online: www.fs.usda.gov/project/?project=47208.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The purpose of the Hi Lo Project is to move the area towards vegetation and landscape ecosystem desired conditions described in the 2004 Superior National Forest *Land and Resource Management Plan*. Specifically the project would promote and maintain long-term diverse, productive, healthy plant communities and wildlife habitat; improve conditions that minimize undesirable effects of wildfire; provide sustainable forest products; increase recreation opportunities; and manage the transportation system.

Proposed Action

The proposed action would move existing vegetation conditions towards long-term desired composition, structure, and spatial patterns. Healthy forested ecosystems are more resilient and able to recover more quickly in the event of a wildfire or an insect and disease outbreak. Proposed vegetation activities include creating young forest on approximately 2,024 acres, improving stand conditions with harvest (uneven age) on 3,613 acres, restoring stand conditions through release (non-harvest), browse shearing, timber stand improvement, and prescribed burning.

To accomplish the purpose and need, a landscape approach was used to strategically determine where proposed actions should take place. Treatments are proposed throughout the project area, including harvesting 1,362 acres within Big Lake and Agassa Lake IRAs. There is 172 acres of prescribed burning proposed within the Hegman Lakes RACR area and 2,589 acres of prescribed burning proposed within the three IRAs (Big Lake IRA, Agassa Lake IRA, and North Arm Burntside Lake IRA). To

protect residences and summer camps outside the Wilderness, and to reduce risk to firefighters, prescribed burning is proposed on 1,314 acres inside the Wilderness.

The project also proposes to increase recreation opportunities by creating new trails, providing road access to other ownerships, and promoting moose and other wildlife habitat by improving lowland sedge areas and oak-blueberry sites.

The proposed action was modified from that originally scoped in August 2016 to account for changed conditions caused by a blowdown event. Further information on the modified proposed action is available at the HiLo Project Web page: www.fs.usda.gov/project/?project=47208.

Possible Alternatives

Possible alternatives include the no-action alternative, alternative 2 (modified from the proposed action which initially went out for scoping in August 2016), and alternative 3 (modifying, reducing or removing treatment acres within certain areas, such as Wilderness and roadless).

Administrative Objection

The Hi Lo Project is an activity implementing a land management plan and is not authorized under the Healthy Forest Restoration Act; therefore, the Hi Lo Project decision is subject to objections following Forest Service regulations at 36 CFR 218, Subparts A and B. Since the Forest Plan Amendment applies only to the Hi Lo Project, it is subject to the same project objection review process. Only individuals or organizations who submit timely and specific written comments, as defined at 36 CFR 218.2, regarding the proposed project are eligible to file an objection to the Hi Lo Project.

In addition to serving as a scoping opportunity, this time period will serve as a designated opportunity for public comment that may provide a commenter with eligibility to object to the proposed project under 36 CFR part 218. Comments are most useful when they are specific to the proposed actions and if received within 30 days from the date of publication in the **Federal Register**. An additional public comment period will be held once the Draft EIS is complete and comments submitted during that public comment period

would also provide the commenter with eligibility to object.

Responsible Official

Forest Supervisor, Superior National Forest.

Nature of Decision To Be Made

An Environmental Impact Statement for the Hi Lo Project will evaluate site-specific issues, consider management alternatives, and analyze potential effects of the proposed action and alternatives. This analysis will include the project specific Forest Plan Amendment needed to conduct prescribed burning in the Wilderness. The scope of the project is limited to decisions concerning activities within the Hi Lo Project Area that meet the purpose and need. An Environmental Impact Statement will provide the responsible official with the information needed to decide which actions, if any, to approve.

Preliminary Issues

Issues identified during the original scoping period (August 2016) included prescribed burning in the Wilderness, harvesting within Forest Plan IRAs, blowdown, site-specific vegetation management, and associated temporary road construction.

Permits or Licenses Required

Easement or permission to cross nonfederal property may be needed to access some treatment units to implement Forest Service activities.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the Environmental Impact Statement. This will be the initial scoping to include a project-level Forest Plan Amendment in the EIS. The previously scoped proposed action (August 2016) guided us to initiate an EIS and Forest Plan Amendment.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the Environmental Impact Statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the Agency

with the ability to provide the respondent with subsequent environmental documents.

Dated: May 26, 2017.

Glenn P. Casamassa,
Associate Deputy Chief, National Forest System.

[FR Doc. 2017-11980 Filed 6-8-17; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Bitterroot National Forest, Stevensville Ranger District, Montana; Gold Butterfly Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA Forest Service, Bitterroot National Forest will prepare an environmental impact statement (EIS) for the proposed Gold Butterfly project under the authorities in the Healthy Forest Restoration Act (HFRA) as amended by the Agricultural Act of 2014. The Gold Butterfly EIS will analyze and disclose the effects of treatments proposed on about 10,495 acres of national forest land in the Sapphire Mountains between the confluence of Gold Creek and Burnt Fork of the Bitterroot River to the north and Saint Clair Creek to the south. The Gold Butterfly project area is bounded on the west by the National Forest boundary with private land and on the east by the Stoney Mountain Inventoried Roadless Area (IRA). The Gold Butterfly project area is located about 10 miles southeast of Stevensville and seven miles east of Corvallis, Montana, in Ravalli County.

DATES: Comments concerning the scope of the analysis must be received by July 10, 2017. The draft environmental impact statement is expected March 2018 and the final environmental impact statement is expected July 2018.

ADDRESSES: Send written comments to Tami Sabol, Stevensville District Ranger, 88 Main St., Stevensville, MT 59870. Comments may also be sent via email to comments-northern-bitterroot-stevensville@fs.fed.us or via facsimile to 406-777-7423.

FOR FURTHER INFORMATION CONTACT: Sara Grove, South Zone Interdisciplinary Team Leader, phone number 406-375-2608 or email: sgrove@fs.fed.us or Marilyn Wildey, Hydrology Technician, phone number 406-363-7101 or email: mwildey@fs.fed.us. Their mailing address is: 1801 North 1st Street, Hamilton, MT 59840-3114.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Stevensville District Ranger proposes forest management on approximately 10,495 acres in the Gold Butterfly project area. The project is in the Sapphire Mountains on the Bitterroot National Forest (T.6N.R.18W. sec. 1-12, 16-20, 29, 30; T.6N.R.19W. sec. 1, 2, 10-15, 22-27; T.7N.R.18W. sec. 2-36, T.7; N.R.19W. sec. 1, 2, 11-14, 22-27, 34-36; T.8N.R.18W. sec. 20, 21, 28-34) about seven miles east of Corvallis, Montana in Ravalli County.

Purpose and Need for Action

Most of the project area considered for treatment is designated as part of the insect and disease treatment program (HFRA Title VI sec. 602). Forests in the project area are at moderate to high hazard for insects and diseases, such as western spruce budworm, Douglas-fir bark beetle, mountain pine beetle, and dwarf mistletoe. Current forest conditions provide opportunities to regenerate forest stands, modify forest structures to reduce insect and disease hazard, and research management strategies that perpetuate whitebark pine. In addition to improving forest resilience to disturbances, these treatments would provide a sustainable supply of timber and provide related employment opportunities.

Terrain and road development in parts of the project area have created areas that contribute sediment to adjacent streams. These road sections typically end at a trailhead. Moving the trailhead to locations further from the streams and converting the roads to walking trails would reduce sediment in the streams and improve bull trout habitat.

The purpose and need for the Gold Butterfly project is to: (1) Improve landscape resilience to disturbances (such as insects, diseases, and fire) by modifying forest structure and composition, and fuels; (2) provide timber products and related jobs; (3) reduce erosion sources in Willow Creek and Burnt Fork of the Bitterroot River watersheds to improve water quality and bull trout habitat; (4) restore or improve key habitat areas such as, meadows, aspen, and whitebark pine.

Proposed Action

Commercial timber harvest is proposed on about 7,711 acres, and non-commercial thinning on about 2,784 acres. In addition, most treatment units

would be followed by some form of prescribed fire (pile burning, underburn). Approximately seven miles of permanent, national forest system road (NFSR) and 27 miles of temporary road will be needed to support timber haul from the project area. The new system roads would be closed and the temporary roads would be rehabilitated after harvest.

The Stoney Mountain IRA is adjacent to the project area. No road construction is proposed in the IRA, however, prescribed burning and some timber harvest may occur.

A plan amendment to the Bitterroot National Forest Plan may be required to provide a project-specific variance for four standards. The 2012 Planning Rule (36 CFR 219) requires notice of which substantive requirements of §§ 219.8 through 219.11 are likely to be related to the amendment. Suspension of the coarse woody debris amendment is likely related to the requirements for soils and soil productivity at § 219.8(a)(2)(ii). Suspension of the old growth standard is likely related to the requirement to maintain or restore key ecosystem characteristics at § 219.9(a)(2)(i). Suspension of the winter range thermal cover and elk habitat effectiveness standards are likely related to the consideration of habitat conditions for wildlife commonly used and enjoyed by the public at § 219.10(a)(5).

The Forest Service proposes the following actions in the Gold Butterfly project area: (1) Harvest, thin, and prescribe burn units with Douglas-fir beetle, mountain pine beetle, western spruce budworm, or dwarf mistletoe, (2) harvest, thin, and prescribe burn natural meadows that are being colonized by trees, (3) harvest or thin conifers from declining aspen clones, (4) harvest, thin, or prescribe burn areas to improve conditions for whitebark pine, (5) close Burnt Fork Rd. at the Gold Creek campground and move the Gold Creek trailhead to the Gold Creek campground, (6) close NFSR 969A at the junction with NFSR 969 (Willow Creek Rd.), move the trailhead to the junction, and develop trailhead facilities, (7) construct specified and temporary roads to support timber removal from the forest, (8) upgrade road conditions on NFSR 364 and 969 with the application of best management practices, (9) build a crossing (temporary/permanent) where NFSR 13131 crosses North Fork of Willow Creek, (10) decommission NFSR 13111 from the junction with NFSR 364 where the road encroaches on Butterfly Creek and construct an alternative route away from the stream, and (11) decommission or store upland roads in

the Willow Creek watershed as decided in the Travel Plan, especially those roads that encroach on streams.

Responsible Official

Julie K. King, Bitterroot National Forest Supervisor, 1801 N. First, Hamilton, Montana 59840-3114 is the Forest Service official who will make the decision on the Gold Butterfly project.

Nature of Decision To Be Made

The Responsible Official will select the proposed action, an alternative to the proposed action (including the no action alternative), or modify the proposed action or alternatives to the proposed action. The decision may include an amendment to the Bitterroot National Forest Plan to provide a project-specific variance to four standards for coarse woody debris, winter range thermal cover, elk habitat effectiveness, and old growth.

Preliminary Issues

The number of crossings over streams and road segments directly adjacent to streams are preliminary issues the Forest Service identified in the project area. Timber haul on roads in these situations have the potential to increase the sediment load in the adjacent streams that may negatively affect sediment levels and bull trout habitat.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. Other opportunities for public comment will occur through the scoping process at public meetings and field trips that will be announced in local newspapers, radio stations, and social media. A comment period will also be available on the draft EIS. Scoping comments that are helpful to the project analysis focus on resource conditions or potential resource conflicts specific to the project area.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered, however.

Dated: April 25, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017-11979 Filed 6-8-17; 8:45 am]

BILLING CODE 3411-15-P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meeting Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Commission briefing and business meeting.

DATES: Friday, June 16, 2017, at 9:30 a.m. EST.

ADDRESSES: *Place:* National Place Building, 1331 Pennsylvania Ave. NW., 11th Floor, Suite 1150, Washington, DC 20245 (Entrance on F Street NW.).

FOR FURTHER INFORMATION CONTACT: Brian Walch, phone: (202) 376-8371; TTY: (202) 376-8116; email: publicaffairs@usccr.gov.

SUPPLEMENTARY INFORMATION: This business meeting is open to the public. There will also be a call-in line for individuals who desire to listen to the presentations. Call-in (listen only) information will be published closer to the meeting date, on the Commission's Web site and social media pages. Hearing-impaired persons who will attend the briefing and require the services of a sign language interpreter should contact Pamela Dunston at (202) 376-8105 or at signlanguage@usccr.gov at least three business days before the scheduled date of the meeting.

Meeting Agenda

- I. Approval of Agenda
- II. Business Meeting
 - A. Discussion and Vote on FY 2018 Project Proposals
 - FY 2018 Statutory Enforcement Report
 - Other project proposals
 - B. Discussion and Vote on FY 2019 Statutory Enforcement Report
 - C. Discussion and Vote on Revised Schedule regarding the FY 2017 Statutory Enforcement Report on Municipal Fees
 - D. Discussion and Vote on holding a telephonic business meeting on Friday June 23, 2017 on the following items:
 - a. Discussion and Vote on the Municipal Fees report
 - b. Discussion and Vote on the LGBT Workplace Discrimination report
 - E. Discussion and Vote on Changing the November and December Commission Business Meeting

Dates

F. State Advisory Committees

- Vote on appointments to the Alabama State Advisory Committee
- Vote on appointments to the Montana State Advisory Committee
- Vote on appointments to the Oklahoma State Advisory Committee

G. Management and Operations

- Staff Director's Report

H. [10:30 a.m.] Presentation by Connecticut SAC Chair David McGuire on Advisory Memorandum on Solitary Confinement

I. [11 a.m.] Presentation on History of LGBTQ Civil Rights Movement

III. Adjourn Meeting.

Dated: June 7, 2017.

Brian Walch,

Director, Communications and Public Engagement.

[FR Doc. 2017-12142 Filed 6-7-17; 4:15 pm]

BILLING CODE 6335-01-P

DEPARTMENT OF COMMERCE**Foreign-Trade Zones Board**

[B-29-2017]

Foreign-Trade Zone 281—Miami, Florida; Application for Expansion (New Magnet Site); Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by Miami-Dade County, grantee of Foreign-Trade Zone 281, requesting authority to expand its zone under the alternative site framework (ASF) adopted by the Board (15 CFR Sec. 400.2(c)) to include a new magnet site in Miami, Florida. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on May 2, 2017.

FTZ 281 was established by the Board under the alternative site framework on August 2, 2012 (Board Order 1844, 77 FR 47816, 8/10/2012). The zone currently has a service area that includes the northern half of Miami-Dade County and consists of three magnet sites and forty-eight usage-driven sites. There is an application currently pending with the FTZ Board to expand the zone to include an additional magnet site (proposed Site 31) in Miami (Docket B-50-2015).

The applicant is now requesting authority to expand its zone to include an additional magnet site: *Proposed Site 55* (3,248.24 acres)—Miami

International Airport, 4200 NW 36th Street, Building 5A, Miami. The proposed new site is adjacent to the Miami Customs and Border Protection port of entry.

In accordance with the Board's regulations, Qahira El-Amin of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 8, 2017. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to August 23, 2017.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230-0002, and in the "Reading Room" section of the Board's Web site, which is accessible via www.trade.gov/ftz. For further information, contact Qahira El-Amin at Qahira.El-Amin@trade.gov or (202) 482-5928.

Dated: June 5, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017-12004 Filed 6-8-17; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE**Bureau of Industry and Security**

[Docket No. 170321295-7295-01]

RIN: 0694-XC036

Reminder of Offsets Reporting Requirements for Calendar Year 2016

AGENCY: Bureau of Industry and Security, Department of Commerce.

ACTION: Notice; annual reporting requirements.

SUMMARY: This notice is intended to remind the public that U.S. companies are required, pursuant to the Defense Production Act of 1950, as amended (DPA), to report annually to the Department of Commerce (Commerce) information on contracts for the sale of defense articles or defense services to foreign countries or foreign companies that are subject to offsets agreements exceeding \$5,000,000 in value. Consistent with the DPA, U.S.

companies are also required to report annually to Commerce information on offsets transactions completed in performance of existing offsets commitments for which an offsets credit of \$250,000 or more has been claimed from the foreign representative. Such reports from calendar year 2016 must include relevant information and must be submitted to Commerce no later than June 15, 2017.

ADDRESSES: Submit reports in both hard copy and electronically. Address the hard copy to "Offsets Program Manager, U.S. Department of Commerce, Office of Strategic Industries and Economic Security, Bureau of Industry and Security (BIS), Room 3878, Washington, DC 20230". Submit electronic copies to OffsetReport@bis.doc.gov.

FOR FURTHER INFORMATION CONTACT: Ronald DeMarines, Office of Strategic Industries and Economic Security, Bureau of Industry and Security, U.S. Department of Commerce, telephone: 202-482-3755; fax: 202-482-5650; email: ronald.demarines@bis.doc.gov.

SUPPLEMENTARY INFORMATION:**Background**

Section 723(a)(1) of the Defense Production Act of 1950, as amended (DPA) (50 U.S.C. 4568 (2015)) requires the President to submit an annual report to Congress on the impact of offsets on the U.S. defense industrial base. Section 723(a)(2) directs the Secretary of Commerce (Secretary) to prepare the President's report and to develop and administer the regulations necessary to collect offsets data from U.S. defense exporters.

The authorities of the Secretary regarding offsets have been delegated to the Under Secretary of Commerce for Industry and Security. The regulations associated with offsets reporting are set forth in part 701 of title 15 of the Code of Federal Regulations. Offsets are compensation practices required as a condition of purchase in either government-to-government or commercial sales of defense articles and/or defense services, as defined by the Arms Export Control Act (22 U.S.C. 2778) and the International Traffic in Arms Regulations (22 CFR 120-130). Offsets are also applicable to certain items controlled on the Commerce Control list (CCL) and with an Export Control Classification Number (ECCN) including the numeral "6" as its third character ("600 series" items). The CCL is found in Supplement No. 1 to part 774 of the Export Administration Regulations.

An example of an offset is as follows: A company that is selling a fleet of

military aircraft to a foreign government may agree to offset the cost of the aircraft by providing training assistance to plant managers in the purchasing country. Although this distorts the true price of the aircraft, the foreign government may require this sort of extra compensation as a condition of awarding the contract to purchase the aircraft. As described in the regulations, U.S. companies are required to report information on contracts for the sale of defense articles or defense services to foreign countries or foreign companies that are subject to offsets agreements exceeding \$5,000,000 in value. U.S. companies are also required to report annually information on offsets transactions completed in performance of existing offsets commitments for which offsets credit of \$250,000 or more has been claimed from the foreign representative.

Commerce's annual report to Congress includes an aggregated summary of the data reported by industry in accordance with the offsets regulation and the DPA (50 U.S.C. 4568 (2015)). As provided by section 723(c) of the DPA, BIS will not publicly disclose individual company information it receives through offsets reporting unless the company furnishing the information specifically authorizes public disclosure. The information collected is sorted and organized into an aggregate report of national offsets data, and therefore does not identify company-specific information.

In order to enable BIS to prepare the next annual offset report reflecting calendar year 2016 data, affected U.S. companies must submit the required information on offsets agreements and offsets transactions from calendar year 2016 to BIS no later than June 15, 2017.

Dated: June 6, 2017.

Matthew S. Borman,
Acting Assistant Secretary for Export Administration.

[FR Doc. 2017-11981 Filed 6-8-17; 8:45 am]

BILLING CODE 3510-JT-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-821-802]

Uranium From the Russian Federation; Final Results of the Expedited Fourth Sunset Review of the Suspension Agreement

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of this sunset review, the Department of Commerce (the Department) finds that termination of the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation (Suspension Agreement) and the suspended investigation would be likely to lead to continuation or recurrence of dumping. The magnitude of the dumping margin likely to prevail is indicated in the "Final Results of Review" section of this notice.

DATES: Effective June 9, 2017.

FOR FURTHER INFORMATION CONTACT:

Sally C. Gannon or Jill Buckles, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-0162 or (202) 482-6230, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 3, 2017, the Department published the notice of initiation of the fourth sunset review of the Suspension Agreement and suspended antidumping duty investigation on uranium from the Russian Federation, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).¹ Pursuant to 19 CFR 351.218(d)(1)(i), the Department received timely and complete notices of intent to participate in this sunset reviews from Louisiana Energy Services, LLC (LES), Power Resources, Inc. (PRI) and Crow Butte Resources, Inc. (Crow Butte), and Centrus Energy Corp. and United States Enrichment Corporation (USEC) (collectively, Centrus) on February 21, 2017, and from ConverDyn on February 24, 2017. On March 6, 2017, the Department received complete substantive responses from LES, PRI and Crow Butte, and Centrus (collectively, the domestic interested parties) within the 30-day period specified in 19 CFR 351.218(d)(3)(i).² The Department did not receive substantive responses from any respondent interested party. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited

¹ See *Initiation of Five-Year ("Sunset") Reviews*, 82 FR 9193 (February 3, 2017) (*Initiation*).

² See "Uranium from Russia: Louisiana Energy Services, LLC's Substantive Response to the Notice of Initiation" from Louisiana Energy Services dated March 6, 2017; "Uranium from the Russian Federation: Substantive Response to the Notice of Initiation" from Power Resources and Crow Butte Resources dated March 6, 2017; "Uranium from the Russian Federation: Substantive Response to Notice of Initiation of Five-Year Review" from Centrus Energy Corp. and United States Enrichment Corporation dated March 6, 2017.

sunset review of this Suspension Agreement.

Scope of the Agreement

The product covered by the Suspension Agreement is natural uranium in the form of uranium ores and concentrates; natural uranium metal and natural uranium compounds; alloys, dispersions (including cermet), ceramic products, and mixtures containing natural uranium or natural uranium compounds; uranium enriched in U²³⁵ and its compounds; alloys, dispersions (including cermet), ceramic products, and mixtures containing uranium enriched in U²³⁵ or compounds of uranium enriched in U²³⁵; and any other forms of uranium within the same class or kind.

Uranium ore from Russia that is milled into U₃O₈ and/or converted into UF₆ in another country prior to direct and/or indirect importation into the United States is considered uranium from Russia and is subject to the terms of this Suspension Agreement.

For purposes of this Suspension Agreement, uranium enriched in U²³⁵ or compounds of uranium enriched in U²³⁵ in Russia are covered by this Suspension Agreement, regardless of their subsequent modification or blending. Uranium enriched in U²³⁵ in another country prior to direct and/or indirect importation into the United States is not considered uranium from Russia and is not subject to the terms of this Suspension Agreement.³

HEU is within the scope of the underlying investigation, and HEU is covered by this Suspension Agreement. For the purpose of this Suspension Agreement, HEU means uranium enriched to 20 percent or greater in the isotope uranium-235.

Imports of uranium ores and concentrates, natural uranium compounds, and all forms of enriched uranium are currently classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 2612.10.00, 2844.10.20, 2844.20.00, respectively. Imports of natural uranium metal and forms of natural uranium other than compounds are currently classifiable under HTSUS subheadings: 2844.10.10 and 2844.10.50. HTSUS

³ The second amendment of two amendments to the Suspension Agreement effective on October 3, 1996, in part included within the scope of the Suspension Agreement for Russian uranium which had been enriched in a third country prior to importation into the United States. According to the amendment, this modification remained in effect until October 3, 1998. See *Amendments to the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation*, 61 FR 56665, 56667 (November 4, 1996).

subheadings are provided for convenience and Customs purposes. The written description of the scope of this proceeding is dispositive.

Analysis of Comments Received

All issues raised in this sunset review, including the likelihood of continuation or recurrence of dumping and the magnitude of the margin of dumping likely to prevail if the Suspension Agreement is terminated, are addressed in the Issues and Decision Memorandum.⁴ The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov> and is available in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at <http://enforcement.trade.gov/frn>.

Final Results of Review

Pursuant to section 752(c) of the Act, the Department determines that termination of the Suspension Agreement and suspended investigation on uranium from the Russian Federation would likely lead to continuation or recurrence of dumping, and that the magnitude of the margin of dumping likely to prevail if the suspension agreement is terminated would be 115.82 percent.

Notification Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

We are issuing and publishing these results and notice in accordance with

⁴ See Memorandum from Sally C. Gannon, Director for Bilateral Agreements, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, "Issues and Decision Memorandum for the Fourth Sunset Review of the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation; Final Results," (June 5, 2017) (Issues and Decision Memorandum).

sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: June 5, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017-11987 Filed 6-8-17; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-475-818]

Certain Pasta From Italy: Notice of Final Results of Antidumping Duty Changed Circumstances Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On March 17, 2017, the Department of Commerce (Department) published the preliminary results of the changed circumstances review (CCR) of the antidumping duty order on certain pasta from Italy and preliminarily determined that Francesco Tamma S.p.A. (Tamma) is not the successor-in-interest to Tamma Industrie Alimentari Capitanata S.r.l. (TIAC), the company affiliated with Delverde, S.r.l. (Delverde), which was excluded from the order on pasta from Italy. We received comments from interested parties. Based on our analysis, for the final results, the Department continues to find that Tamma is not the successor-in-interest to TIAC.

DATES: Effective June 9, 2017.

FOR FURTHER INFORMATION CONTACT: Joy Zhang, Office III, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-1168.

Background

On July 24, 1996, the Department published in the **Federal Register** the antidumping duty order on pasta from Italy, which included Delverde and its affiliate TIAC (collectively, Delverde/TIAC).¹ Pursuant to a decision by the Court of International Trade, on remand, the Department determined that Delverde/TIAC had a *de minimis* dumping margin and should be excluded from the order on pasta from Italy.² In accordance with a decision

¹ See *Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Certain Pasta from Italy*, 61 FR 38547 (July 24, 1996) (*Pasta Order*).

² See *Notice of Amendment of Final Determination of Sales at Less Than Fair Value*

from the World Trade Organization (WTO), the United States Trade Representative subsequently directed the Department to revise the all-others rate for the *Pasta Order* to 15.45 percent *ad valorem*.³

In 2014, the Department conducted a CCR of Delverde Industrie Alimentari S.p.A. (Delverde S.p.A.) and found that Delverde S.p.A. was not the successor-in-interest to Delverde based on aspects of the bankruptcy of Delverde, changes in management, changes in supplier relationships, and changes in production facilities.⁴ Thus, the Department found that Delverde S.p.A. was not entitled to the exclusion from the *Pasta Order* that was originally granted to Delverde, a defunct entity.⁵

On July 29, 2016, American Italian Pasta Company, Dakota Growers Pasta Company, and New World Pasta Company (the petitioners) filed a request for the Department to initiate a CCR of Tamma to determine whether Tamma is the successor-in-interest to TIAC, the company excluded from the *Pasta Order* that was previously affiliated with the now defunct Delverde.⁶ On September 13, 2016, we initiated a CCR with respect to Tamma.⁷

On March 21, 2017, the Department issued the *Preliminary Results* of this CCR, in which it determined that Tamma is not the successor-in-interest to TIAC, the company in the Delverde/TIAC entity, which was excluded from the *Pasta Order*.⁸

Pursuant to Court Decision and Revocation in Part: Certain Pasta from Italy, 66 FR 65889 (December 21, 2001).

³ See *Implementation of the Findings of the WTO Panel in US—Zeroing (EC): Notice of Determinations Under Section 129 of the Uruguay Round Agreements Act and Revocations and Partial Revocations of Certain Antidumping Duty Orders*, 72 FR 25261, 25263 (May 4, 2007) (*Pasta Section 129 Implementation Determination*).

⁴ See *Certain Pasta from Italy: Notice of Preliminary Results of Antidumping Duty Changed Circumstances Review*, 79 FR 28481 (May 16, 2014); unchanged in *Certain Pasta from Italy: Notice of Final Results of Antidumping Duty Changed Circumstances Review*, 79 FR 76339 (September 19, 2014) and accompanying Issues and Decision Memorandum (*Delverde CCR*).

⁵ See *Delverde CCR*.

⁶ See Petitioners' letter titled, "Request for 2015–2016 Administrative Reviews of the Antidumping Duty Order on Certain Pasta from Italy," dated July 29, 2016. This letter requests an administrative review and changed circumstances review of Tamma. On August 11, 2016, the petitioners refiled this review request to clarify the specific company names requested for review.

⁷ See *Certain Pasta from Italy: Initiation of Changed Circumstances Review*, 81 FR 62864 (September 13, 2016) (*Initiation Notice*).

⁸ See *Certain Pasta from Italy: Notice of Preliminary Results of Antidumping Duty Changed Circumstances Review*, 82 FR 14501 (March 21, 2017) (*Preliminary Results*) and the accompanying Preliminary Decision Memorandum.

On March 31, 2017, Tamma submitted comments regarding the *Preliminary Results*.⁹ On April 17, 2017, the petitioners submitted their rebuttal brief.¹⁰

Scope of the Order

Imports covered by the order are shipments of certain non-egg dry pasta. The merchandise subject to review is currently classifiable under items 1901.90.90.95 and 1902.19.20 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.¹¹

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this changed circumstances review are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues which parties have raised, and to which we have responded in the Issues and Decision Memorandum, is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <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 Issues and Decision Memorandum can be accessed directly on the internet at <http://enforcement.trade.gov/frn/>. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of Changed Circumstances Review

Based on the record evidence and our analysis of the comments received, the Department continues to find that Tamma is not the successor-in-interest to TIAC pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.216.¹²

⁹ See Tamma's Case Brief, entitled "Certain Pasta from Italy: Changed Circumstances Review Case Brief of Francesco Tamma S.p.A.," dated March 31, 2017.

¹⁰ See Petitioners' Rebuttal Brief, entitled "Certain Pasta from Italy: Petitioners' Rebuttal Brief for Francesco Tamma S.p.A.," dated April 17, 2017.

¹¹ For a full description of the scope of the order, see Issues and Decision Memorandum.

¹² See Issues and Decision Memorandum.

Instructions to U.S. Customs and Border Protection

As a result of this determination, the Department will instruct U.S. Customs and Border Protection to collect estimated antidumping duties for all shipments of subject merchandise produced and/or exported by Tamma and entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the **Federal Register** at the 15.45 percent all-others rate established in the antidumping duty investigation, as modified by the section 129 determination.¹³ This cash deposit requirement shall remain in effect until further notice.

Notification to Interested Parties

This notice serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. Timely written notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing this final results notice in accordance with sections 751(b) and 777(i) of the Act, and 19 CFR 351.216 and 351.221(c)(3).

Dated: June 1, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of Interested Party Comments
Comment: Whether a Successor-in-Interest CCR Analysis Should Be Based on an Event/Events or on the Totality of the Circumstances on the Record
- V. Recommendation

[FR Doc. 2017-11995 Filed 6-8-17; 8:45 am]

BILLING CODE 3510-DS-P

¹³ See *Pasta Section 129 Implementation Determination*, 72 FR at 25263.

DEPARTMENT OF COMMERCE

International Trade Administration

[A-602-807, A-351-842, A-570-022, C-570-023, A-560-828, C-560-829, A-471-807]

Certain Uncoated Paper From Australia, Brazil, the People's Republic of China, Indonesia, and Portugal: Affirmative Preliminary Determination of Circumvention of the Antidumping and Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Effective June 9, 2017.

SUMMARY: The Department of Commerce (Department) preliminarily determines that imports of uncoated paper with a GE brightness of 83 +/- 1% (83 Bright paper), otherwise meeting the description of in-scope merchandise, from Australia, Brazil, the People's Republic of China, Indonesia, and Portugal constitute merchandise "altered in form or appearance in minor respects" from in-scope merchandise that should be considered subject to the antidumping (AD) and countervailing duty (CVD) *Orders* on certain uncoated paper (uncoated paper).¹

FOR FURTHER INFORMATION CONTACT: William Miller at (202) 482-3906, AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Scope of the Orders

The merchandise covered by the orders is uncoated paper. Uncoated paper subject to the orders is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings 4802.56.1000, 4802.56.2000, 4802.56.3000, 4802.56.4000, 4802.56.6000, 4802.56.7020, 4802.56.7040, 4802.57.1000, 4802.57.2000, 4802.57.3000, and 4802.57.4000. Some imports of subject merchandise may also be classified under 4802.62.1000, 4802.62.2000, 4802.62.3000, 4802.62.5000, 4802.62.6020, 4802.62.6040, 4802.69.1000, 4802.69.2000, 4802.69.3000,

¹ See *Certain Uncoated Paper from Australia, Brazil, Indonesia, the People's Republic of China, and Portugal: Amended Final Affirmative Antidumping Determinations for Brazil and Indonesia and Antidumping Duty Orders*; 81 FR 11174 (March 3, 2016) and *Certain Uncoated Paper from Indonesia and the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order (Indonesia) and Countervailing Duty Order (People's Republic of China)*; 81 FR 11187 (March 3, 2016) (collectively, the *Orders*).

4811.90.8050 and 4811.90.9080. The HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of the *Orders* is dispositive.²

Scope of the Anti-Circumvention Inquiry

The merchandise subject to this anti-circumvention inquiry consists of 83 Bright paper with a GE brightness of 83 +/- 1%, and otherwise meeting the description of the scope of the *Orders*. On August 1, 2016, the petitioners clarified that, consistent with 19 CFR 351.225(m), they intended for the Department to conduct a single anti-circumvention inquiry and issue a single ruling applicable to each of the *Orders*. Therefore, in accordance with 19 CFR 351.225(m), we find it appropriate to apply the results of this inquiry to each of the *Orders*.³

Methodology

The Department has made this affirmative preliminary anti-circumvention determination in accordance with section 781(c) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.225(i). For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

The Preliminary Decision Memorandum is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered user at <https://access.trade.gov> and is available to all parties in the Central Records Unit, room B-8024 of the main Department of Commerce building. In addition, a complete public version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/index.html>. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Determination

As detailed in the Preliminary Decision Memorandum, we preliminarily determine, pursuant to

² A full description of the scope of the *Orders* is contained in the memorandum, "Preliminary Decision Memorandum for the Affirmative Preliminary Determination of Circumvention of the Antidumping and Countervailing Duty Orders on Certain Uncoated Paper from Australia, Brazil, the People's Republic of China, Indonesia, and Portugal," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

³ See *Certain Uncoated Paper from Australia, Brazil, Indonesia, the People's Republic of China, and Portugal: Initiation of Anti-Circumvention Inquiry*; 81 FR 78117 (November 7, 2016).

section 781(c) of the Act and 19 CFR 351.225(i), that imports of 83 Bright paper, otherwise meeting the description of in-scope merchandise, constitute merchandise "altered in form or appearance in minor respects" from in-scope merchandise that should be considered subject to the *Orders*.

Suspension of Liquidation

In accordance with 19 CFR 351.225(l)(2), we are directing U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of 83 Bright Paper entered, or withdrawn from warehouse, for consumption on or after November 7, 2016, the date of publication of the initiation of this inquiry. We will also instruct CBP to require a cash deposit of estimated duties at the applicable rates for each unliquidated entry of the product entered, or withdrawn from warehouse, for consumption on or after November 7, 2016, in accordance with 19 CFR 351.225(l)(2).

Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs not later than 15 days after the date of issue of this notice. Pursuant to 19 CFR 351.309(d), 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. 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.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, 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 ACCESS, by 5 p.m. Eastern Time within 15 days after the date of issue of this notice. 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.

Final Determination

Pursuant to section 781(f) of the Act, we intend to issue the final determination with respect to this anti-circumvention inquiry, including the results of the Department's analysis of any written comments, no later than August 28, 2017.

This preliminary determination of circumvention is in accordance with section 781(c) of the Act and 19 CFR 351.225.

Dated: June 2, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017-12001 Filed 6-8-17; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

National Advisory Committee on Windstorm Impact Reduction Meeting

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Advisory Committee on Windstorm Impact Reduction (NACWIR or Committee), will meet on Tuesday, June 27, and Wednesday, June 28, 2017, from 9:00 a.m. to 5:00 p.m. Eastern Time. The primary purpose of the meeting will be to assess and develop recommendations on (1) the priorities of the Draft Strategic Plan for the National Windstorm Impact Reduction Program (NWIRP), and (2) trends and developments in the natural, engineering, and social sciences and practices of windstorm impact mitigation. The final agenda and any meeting materials will be posted on the NWIRP Web site at <https://www.nist.gov/el/materials-and-structural-systems-division-73100/national-windstorm-impact-reduction-program-1>.

DATES: The NACWIR will meet on Tuesday, June 27, and Wednesday, June 28, 2017, from 9:00 a.m. until 5:00 p.m. Eastern Time. The meeting will be open to the public.

ADDRESSES: The meeting will be held in Building 215, Rm. C103 at the National Institute of Standards and Technology. The address is 100 Bureau Dr., Gaithersburg, MD 20899-1070. Questions regarding the meeting should be sent to the National Windstorm Impact Reduction Program Director, National Institute of Standards and Technology (NIST), 100 Bureau Drive, Mail Stop 8611, Gaithersburg, Maryland 20899. Anyone wishing to participate must register by 5:00 p.m. Eastern Time, Tuesday, June 20, 2017. For instructions on how to participate in the meeting, please see the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT:

Steve Potts, Management and Program Analyst, NWIRP, Engineering Laboratory, NIST, 100 Bureau Drive, Mail Stop 8611, Gaithersburg, Maryland 20899. He can also be contacted by email at stephen.potts@nist.gov; or by phone at (301) 975-5412.

SUPPLEMENTARY INFORMATION:

The National Advisory Committee on Windstorm Impact Reduction (NACWIR) was established in accordance with the requirements of the National Windstorm Impact Reduction Act Reauthorization of 2015, Public Law 114-52. The NACWIR is charged with offering assessments and recommendations on—

- Trends and developments in the natural, engineering, and social sciences and practices of windstorm impact mitigation;
- the priorities of the Strategic Plan for the National Windstorm Impact Reduction Program (Program);
- the coordination of the Program;
- the effectiveness of the Program in meeting its purposes; and
- any revisions to the Program which may be necessary.

Background information on NWIRP and the Committee is available at <https://www.nist.gov/news-events/news/2016/07/nist-leads-federal-effort-save-lives-and-property-windstorms>.

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the NACWIR will meet on Tuesday, June 27 and Wednesday, June 28, 2017, from 9:00 a.m. to 5:00 p.m. Eastern Time. The primary purpose of the meeting will be to assess and develop recommendations on (1) the priorities of the Draft Strategic Plan for the National Windstorm Impact Reduction Program (NWIRP), and (2) trends and developments in the natural, engineering, and social sciences and practices of windstorm impact mitigation. The agenda may change to accommodate Committee business. The agenda and meeting materials will be posted on the NACWIR Web site at <https://www.nist.gov/el/mssd/nwirp/national-advisory-committee-windstorm-impact-reduction>.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request a place on the agenda. On June 28, 2017, approximately fifteen minutes will be reserved near the beginning of the meeting for public comments, and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received, but

is likely to be about three minutes each. Questions from the public will not be considered during this period. All those wishing to speak must submit their request by email to the attention of Mr. Steve Potts, stephen.potts@nist.gov by 5:00 p.m. Eastern time, Tuesday, June 20, 2017.

Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated, and those who were unable to participate are invited to submit written statements to NACWIR, National Institute of Standards and Technology, 100 Bureau Drive, MS 8611, Gaithersburg, Maryland 20899, or electronically by email to stephen.potts@nist.gov.

All visitors to the NIST site are required to pre-register to be admitted. Anyone wishing to attend this meeting must register by 5:00 p.m. Eastern Time, Tuesday, June 20, 2017, in order to attend. Please submit your full name, email address, and phone number to Steve Potts. Non-U.S. citizens must submit additional information; please contact Mr. Steve Potts. Mr. Potts' email address is stephen.potts@nist.gov and his phone number is (301) 975-5412. For participants attending in person, please note that federal agencies, including NIST, can only accept a state-issued driver's license or identification card for access to federal facilities if such license or identification card is issued by a state that is compliant with the REAL ID Act of 2005 (Pub. L. 109-13), or by a state that has an extension for REAL ID compliance. NIST currently accepts other forms of federal-issued identification in lieu of a state-issued driver's license. For detailed information please visit: http://www.nist.gov/public_affairs/visitor/.

Kevin Kimball,

Chief of Staff.

[FR Doc. 2017-12020 Filed 6-8-17; 8:45 am]

BILLING CODE 3510-13-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletion from the Procurement List.

SUMMARY: The Committee is proposing to add products to the Procurement List that will be furnished by a nonprofit

agency employing persons who are blind or have other severe disabilities, and deletes a service previously provided by such agency.

Comments Must Be Received on or Before: 7/9/2017.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia, 22202-4149.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Amy B. Jensen, Telephone: (703) 603-7740, Fax: (703) 603-0655, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products listed below from a nonprofit agency employing persons who are blind or have other severe disabilities.

The following products are proposed for addition to the Procurement List for production by the nonprofit agency listed:

Products:

NSN(s)—Product Name(s):

7125-01-151-5435—Cabinet, Key, Wall

Mounting, 30 Key, Gray Steel

7125-00-132-8973—Cabinet, Key, Wall

Mounting, 70 Key, Grey

7125-00-285-3049—Cabinet, Key, Wall

Mounting, 90 Key

Mandatory for: Total Government Requirement

Mandatory Source(s) of Supply: LC

Industries, Inc., Durham, NC

Contracting Activity: General Services Administration, Philadelphia, PA

Distribution: A-List

Deletion

The following service is proposed for deletion from the Procurement List:

Service

Service Type: Administrative Service

Mandatory for: National Aeronautics and Space Administration: Marshall Space Flight Center, 4200 Complex, Marshall Space, AL

Mandatory Source(s) of Supply: The ARC of Madison County, Inc., Huntsville, AL

Contracting Activity: National Aeronautics and Space Administration, NASA Headquarters

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017-12014 Filed 6-8-17; 8:45 am]

BILLING CODE 6353-01-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions; Correction

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Notice; correction.

SUMMARY: The Committee for Purchase From People Who Are Blind or Severely Disabled published a document in the **Federal Register** of May 26, 2017, concerning a notice of Additions and Deletions.

FOR FURTHER INFORMATION CONTACT: Amy B. Jensen, Telephone: (703) 603-2132.

Correction

In the **Federal Register** of May 26, 2017, in FR Doc. 2017-10901, (82 FR 24308-24309), the Committee would like to correct the notice for "Procurement List; Proposed Additions and Deletions" concerning a notice of intent to add Service Type: Administrative Service to the Procurement List. The notice contained the incorrect Mandatory Sources(s) of Supply: Lighthouse for the Blind of Houston, Houston, TX. Please correct to read Mandatory Sources(s) of Supply: Mississippi Industries for the Blind, Jackson, MS.

Dated: June 6, 2017.

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017-12015 Filed 6-8-17; 8:45 am]

BILLING CODE 6353-01-P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review, Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled AmeriCorps State Commission Support Grant Application Instructions to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Mr.

James Stone at 202-606-6885 or via email jstone@cns.gov. Individuals who use a telecommunications device for the deaf (TTY-TDD) may call 1-800-833-3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

(1) *By fax to:* 202-395-6974,

Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or

(2) *By email to:* smar@omb.eop.gov.

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, 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;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose 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

A 60-day Notice requesting public comment was published in the **Federal Register** on March 23, 2017. This comment period ended May 22, 2017. No comments were received in response to this Notice.

Description: CNCS is seeking approval of the AmeriCorps State Commission Application Instructions. State service commissions will respond to the questions included in this Information Collection Request in order to report on their use of federal funds and progress against their annual plan.

Type of Review: Reinstatement.

Agency: Corporation for National and Community Service.

Title: AmeriCorps State Commission Support Grant Application Instructions.

OMB Number: 3045-0099.

Agency Number: None.
Affected Public: State service commissions.

Total Respondents: 54.

Frequency: Annually.

Average Time per Response: 37 hours.

Estimated Total Burden Hours: 1,998 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Dated: June 5, 2017.

Jill Graham,

Acting Deputy Director, AmeriCorps State and National.

[FR Doc. 2017-12002 Filed 6-8-17; 8:45 am]

BILLING CODE 6050-28-P

DEPARTMENT OF DEFENSE

Department of the Army; Army Corps of Engineers

Notice of Solicitation of Applications for Stakeholder Representative Members of the Missouri River Recovery Implementation Committee

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice.

SUMMARY: The Commander of the Northwestern Division of the U.S. Army Corps of Engineers (Corps) is soliciting applications to fill vacant stakeholder representative member positions on the Missouri River Recovery Implementation Committee (MRRIC). Members are sought to fill vacancies on a committee to represent various categories of interests within the Missouri River basin. The MRRIC was formed to advise the Corps on a study of the Missouri River and its tributaries and to provide guidance to the Corps with respect to the Missouri River recovery and mitigation activities currently underway. The Corps established the MRRIC as required by the U.S. Congress through the Water Resources Development Act of 2007 (WRDA), Section 5018.

DATES: The agency must receive completed applications and endorsement letters no later than July 14, 2017.

ADDRESSES: Mail completed applications and endorsement letters to U.S. Army Corps of Engineers, Kansas City District (Attn: MRRIC), 601 E 12th Street, Kansas City, MO 64106 or email completed applications to mrric@usace.army.mil. Please put "MRRIC" in the subject line.

FOR FURTHER INFORMATION CONTACT: Lisa Rabbe, 816-389-3837.

SUPPLEMENTARY INFORMATION: The operation of the MRRIC is in the public interest and provides support to the Corps in performing its duties and responsibilities under the Endangered Species Act, 16 U.S.C. 1531 *et seq.*; Sec. 601(a) of the Water Resources Development Act (WRDA) of 1986, Public Law 99-662; Sec. 334(a) of WRDA 1999, Public Law 106-53, and Sec. 5018 of WRDA 2007, Public Law 110-114. The Federal Advisory Committee Act, 5 U.S.C. App. 2, does not apply to the MRRIC.

A Charter for the MRRIC has been developed and should be reviewed prior to applying for a stakeholder representative membership position on the Committee. The Charter, operating procedures, and stakeholder application forms are available electronically at www.MRRIC.org.

Purpose and Scope of the Committee

1. The primary purpose of the MRRIC is to provide guidance to the Corps and U.S. Fish and Wildlife Service with respect to the Missouri River recovery and mitigation plan currently in existence, including recommendations relating to changes to the implementation strategy from the use of adaptive management; coordination of the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for the Missouri River recovery and mitigation plan. Information about the Missouri River Recovery Program is available at www.MoRiverRecovery.org.

2. Other duties of MRRIC include exchange of information regarding programs, projects, and activities of the agencies and entities represented on the Committee to promote the goals of the Missouri River recovery and mitigation plan; establishment of such working groups as the Committee determines to be necessary to assist in carrying out the duties of the Committee, including duties relating to public policy and scientific issues; facilitating the resolution of interagency and intergovernmental conflicts between entities represented on the Committee associated with the Missouri River recovery and mitigation plan; coordination of scientific and other research associated with the Missouri River recovery and mitigation plan; and annual preparation of a work plan and associated budget requests.

Administrative Support. To the extent authorized by law and subject to the availability of appropriations, the Corps provides funding and administrative support for the Committee.

Committee Membership. Federal agencies with programs affecting the

Missouri River may be members of the MRRIC through a separate process with the Corps. States and Federally recognized Native American Indian tribes, as described in the Charter, are eligible for Committee membership through an appointment process. Interested State and Tribal government representatives should contact the Corps for information about the appointment process.

This Notice is for individuals interested in serving as a stakeholder member on the Committee. Members and alternates must be able to demonstrate that they meet the definition of “stakeholder” found in the Charter of the MRRIC. Applications are currently being accepted for representation in the stakeholder interest categories listed below:

- a. Agriculture;
- b. Conservation Districts;
- c. Fish and Wildlife;
- d. Flood Control;
- e. Irrigation;
- f. Navigation;
- g. Recreation;
- h. Thermal Power;
- i. Water Supply; and
- j. At Large.

Terms of stakeholder representative members of the MRRIC are three years. There is no limit to the number of terms a member may serve. Incumbent Committee members seeking reappointment do not need to re-submit an application. However, they must submit a renewal letter and related materials as outlined in the “Streamlined Process for Existing Members” portion of the document *Process for Filling MRRIC Stakeholder Vacancies* (www.MRRIC.org).

Members and alternates of the Committee will not receive any compensation from the federal government for carrying out the duties of the MRRIC. Travel expenses incurred by members of the Committee are not currently reimbursed by the federal government.

Application for Stakeholder Membership. Persons who believe that they are or will be affected by the Missouri River recovery and mitigation activities may apply for stakeholder membership on the MRRIC. Committee members are obligated to avoid and disclose any individual ethical, legal, financial, or other conflicts of interest they may have involving MRRIC. Applicants must disclose on their application if they are directly employed by a government agency or program (the term “government” encompasses state, tribal, and federal agencies and/or programs).

Applications for stakeholder membership may be obtained electronically at www.MRRIC.org. Applications may be emailed or mailed to the location listed (see **ADDRESSES**). In order to be considered, each application must include:

1. The name of the applicant and the primary stakeholder interest category that person is qualified to represent;
2. A written statement describing the applicant’s area of expertise and why the applicant believes he or she should be appointed to represent that area of expertise on the MRRIC;
3. A written statement describing how the applicant’s participation as a Stakeholder Representative will fulfill the roles and responsibilities of MRRIC;
4. A written description of the applicant’s past experience(s) working collaboratively with a group of individuals representing varied interests towards achieving a mutual goal, and the outcome of the effort(s);
5. A written description of the communication network that the applicant plans to use to inform his or her constituents and to gather their feedback, and
6. A written endorsement letter from an organization, local government body, or formal constituency, which demonstrates that the applicant represents an interest group(s) in the Missouri River basin.

To be considered, the application must be complete and received by the close of business on July 14, 2017, at the location indicated (see **ADDRESSES**). Applications must include an endorsement letter to be considered complete. Full consideration will be given to all complete applications received by the specified due date.

Application Review Process. Committee stakeholder applications will be forwarded to the current members of the MRRIC. The MRRIC will provide membership recommendations to the Corps as described in Attachment A of the *Process for Filling MRRIC Stakeholder Vacancies* document (www.MRRIC.org). The Corps is responsible for appointing stakeholder members. The Corps will consider applications using the following criteria:

- Ability to commit the time required.
- Commitment to make a good faith (as defined in the Charter) effort to seek balanced solutions that address multiple interests and concerns.
- Agreement to support and adhere to the approved MRRIC Charter and Operating Procedures.
- Demonstration of a formal designation or endorsement by an organization, local government, or

constituency as its preferred representative.

- Demonstration of an established communication network to keep constituents informed and efficiently seek their input when needed.

- Agreement to participate in collaboration training as a condition of membership.

All applicants will be notified in writing as to the final decision about their application.

Certification. I hereby certify that the establishment of the MRRIC is necessary and in the public interest in connection with the performance of duties imposed on the Corps by the Endangered Species Act and other statutes.

Dated: May 18, 2017.

Mark Harberg,

Program Manager, Missouri River Recovery Program (MRRP).

[FR Doc. 2017-11988 Filed 6-8-17; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF EDUCATION

Applications for New Awards; American History and Civics Education—Presidential and Congressional Academies for American History and Civics

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for new awards for fiscal year (FY) 2017 for the Presidential and Congressional Academies for American History and Civics (Academies) Program, Catalog of Federal Domestic Assistance (CFDA) number 84.422A.

DATES:

Applications Available: June 9, 2017.

Deadline for Notice of Intent To

Apply: July 10, 2017.

Date of Pre-Application Webinars:

Information about pre-application webinars will be posted at <https://innovation.ed.gov/what-we-do/american-history-and-civics-academies/>.

Deadline for Transmittal of Applications: July 24, 2017.

Deadline for Intergovernmental Review: September 22, 2017.

FOR FURTHER INFORMATION CONTACT:

Christine Miller, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W205, Washington, DC 20202-5960. Or by email: Academies@ed.gov.

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:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Academies Program supports the establishment of: (1) Presidential Academies for the Teaching of American History and Civics that offer workshops for both veteran and new teachers to strengthen their knowledge of American history, civics, and government education (Presidential Academies); and (2) Congressional Academies for Students of American History and Civics that provide high school students opportunities to enrich their understanding of these subjects (Congressional Academies).

Background

The Academies Program supports projects to raise student achievement in American history and civics by improving teachers' and students' knowledge, understanding, and engagement with these subjects through intensive workshops with scholars, master teachers, and curriculum experts. Project activities should reflect the best available research and practice in teaching and learning. Presidential Academies will help teachers develop further expertise in the content areas of American history and civics, teaching strategies, use of technologies, and other essential elements of teaching to rigorous college- and career-ready standards. Congressional Academies are intended to broaden and deepen students' interest in and understanding of American history and civics through the use of content-rich, engaging learning resources and strategies.

Through a competitive preference priority, we encourage applicants to consider projects that will focus on serving high-need students and students from underserved populations to help ensure that these students have access to high-quality, interactive instruction that will help them become college- and career-ready and be better prepared to participate fully in civic activities. We also include a competitive preference priority to encourage applicants to consider projects that develop innovative and comprehensive programs using the resources of the National Parks. These programs would include, to the extent practicable, coordination or alignment of activities with the National Park Service National Centennial Parks initiative.

We also include two absolute

conduct both Presidential Academies and Congressional Academies in order to ensure that teachers and students are receiving opportunities to participate in high-quality American history and civics educational experiences. In addition, applicants may consider projects that are designed to recruit teachers and students from the same schools and school districts in order to promote a seamless delivery of training and instruction and maximize project benefits.

Grantees will be expected to measure the impact of their projects on teacher development and student learning through applicable assessments. Early findings from grantee evaluations may help guide the grantee's subsequent teacher professional development and student learning efforts over the five-year project period.

Priorities: This notice contains two absolute priorities and two competitive preference priorities. In accordance with 34 CFR 75.105(b)(2)(iv), both absolute priorities are from section 2232(e)(1) and (f)(1) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA), 20 U.S.C. 6662. The first competitive preference priority is from the notice of final supplemental priorities and definitions for discretionary grant programs published in the **Federal Register** on December 10, 2014 (79 FR 73425) (Supplemental Priorities). In accordance with 34 CFR 75.105(b)(2)(v), the second competitive preference priority is from allowable activities specified in section 2232(e)(4) of the ESEA.

Absolute Priorities: For FY 2017 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that meet both of these priorities.

These priorities are:

Absolute Priority 1—Presidential Academies for the Teaching of American History and Civics.

Under this priority, an applicant must propose to establish a Presidential Academy that offers a seminar or institute for teachers of American history and civics, which—

(a) Provides intensive professional development opportunities for teachers of American history and civics to strengthen such teachers' knowledge of the subjects of American history and civics;

(b) Is led by a team of primary scholars and core teachers who are accomplished in the field of American history and civics;

(c) Is conducted during the summer or other appropriate time; and

(d) Is of not less than two weeks and not more than six weeks in duration.

Absolute Priority 2—Congressional Academies for Students of American History and Civics.

Under this priority, an applicant must propose to establish a seminar or institute for outstanding students of American history and civics, which—

(a) Broadens and deepens such students' understanding of American history and civics;

(b) Is led by a team of primary scholars and core teachers who are accomplished in the field of American history and civics;

(c) Is conducted during the summer or other appropriate time; and

(d) Is of not less than two weeks and not more than six weeks in duration.

Competitive Preference Priorities: For FY 2017 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 10 points to an application depending on how well the application meets competitive preference priority one and an additional five points to an application depending on how well the application meets competitive preference priority two.

These priorities are:

Competitive Preference Priority 1—Supporting High-Need Students. (up to 10 points)

Projects that are designed to improve academic outcomes for high-need students (as defined in this notice).

Competitive Preference Priority 2—Using the Resources of the National Parks. (up to 5 points)

Applicants that propose to develop innovative and comprehensive programs using the resources of the National Parks, including, to the extent practicable, through coordination or alignment of activities with the National Park Service National Centennial Parks initiative.

Definitions: The following definitions are from the Supplemental Priorities and apply to this competition:

High-minority school means a school as that term is defined by a local educational agency (LEA), which must define the term in a manner consistent with its State's Teacher Equity Plan, as required by section 1111(b)(8)(C) of the ESEA. The applicant must provide the definition(s) of "high-minority schools" used in its application.

High-need students means students who are at risk of educational failure or

otherwise in need of special assistance and support, such as students who are living in poverty, who attend High-minority Schools, who are far below grade level, who have left school before receiving a Regular High School Diploma, who are at risk of not graduating with a diploma on time, who are homeless, who are in foster care, who have been incarcerated, who have disabilities, or who are English learners.

Regular high school diploma means the standard high school diploma that is awarded to students in the State and that is fully aligned with the State's academic content standards or a higher diploma and does not include a General Education Development (GED) credential, certificate of attendance, or any alternative award.

Application Requirements: The following requirements are from section 2232(e)(2) and (3) and (f)(2) and (3) and apply to all applications submitted under this competition:

(a) **Selection of teachers.** Each year, each Presidential Academy shall select between 50 and 300 teachers of American history and civics from public or private elementary schools and secondary schools to attend the seminar or institute.

(b) **Teacher stipends.** Each teacher selected to participate in a seminar or institute under this competition shall be awarded a fixed stipend based on the length of the seminar or institute to ensure that such teacher does not incur personal costs associated with the teacher's participation in the seminar or institute.

(c) **Selection of students.** Each year, each Congressional Academy shall select between 100 and 300 eligible students to attend the seminar or institute under this competition.

(d) **Eligible students.** A student shall be eligible to attend a seminar or institute offered by a Congressional Academy under this competition if the student—

(i) Is recommended by the student's secondary school principal or other school leader to attend the seminar or institute; and

(ii) Will be a secondary school junior or senior in the academic year following attendance at the seminar or institute.

(e) **Student stipends.** Each student selected to participate in a seminar or institute under this competition shall be awarded a fixed stipend based on the length of the seminar or institute to ensure that such student does not incur personal costs associated with the student's participation in the seminar or institute.

Authority: Section 2232 of the ESEA.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: \$1,815,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

Estimated Range of Awards: \$300,000–\$700,000 per year.

Estimated Average Size of Awards: \$500,000 per year.

Estimated Number of Awards: 2–6.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. **Eligible Applicants:** An institution of higher education, or nonprofit educational organization, museum, library, or research center with demonstrated expertise in historical methodology or the teaching of American history and civics; or a consortium of these entities.

In its application, an applicant is required to submit documentation of its organization's expertise in historical methodology or the teaching of American history and civics.

Note: Consortium applicants must follow the procedures for group applications described in 34 CFR 75.127 through 34 CFR 75.129.

2 a. **Cost Sharing or Matching:** Under section 2232(g)(1) of the ESEA, each grant recipient must provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, which may be provided in cash or in-kind contributions, to carry out the activities supported by the grant. To meet this requirement, grantees must provide matching contributions on an

annual basis relative to the amount of Academies Program funds received for a fiscal year.

Under section 2232(g)(2) of the ESEA, the Secretary may waive this matching requirement for any fiscal year for an eligible entity if the Secretary determines that applying the matching requirement would result in serious hardship or an inability to carry out the authorized activities described in section 2232. Applicants that wish to apply for a waiver for one or more fiscal years may include a request in their application that describes how the 100 percent matching requirement would cause serious hardship or an inability to carry out project activities.

b. *Supplement-Not-Supplant*: This program involves supplement-not-supplant funding requirements. In accordance with section 2301 of the ESEA, funds made available under this program must be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this program.

IV. Application and Submission Information

1. *Address to Request Application Package*: Christine Miller, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W205, Washington, DC 20202-5970. Telephone: (202) 260-7350 or by email: Christine.Miller@ed.gov.

If you use a TDD or a TTY, call the FRS, toll free, at 1-800-877-8339.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., Braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VII of this notice.

2. *Content and Form of Application Submission*: Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

The Department will be able to develop a more efficient process for reviewing grant applications if it has a better understanding of the number of entities that intend to apply for funding under this competition. Therefore, the Secretary strongly encourages each potential applicant to notify the Department by sending a short email message indicating the applicant's intent to submit an application for funding. The email need not include information regarding the content of the proposed application, only the applicant's intent to submit it. You should send this email notification to:

Academies@ed.gov. Applicants that do not provide this email notification may still apply for funding.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 50 pages and (2) use the following standards:

- A "page" is 8.5" x 11", on one side only, with 1"; margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

- *Use one of the following fonts*: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative.

b. *Submission of Proprietary Information*: Given the types of projects that may be proposed in applications for the Academies Program, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define "business information" and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to post the project narrative section of funded Academies Program applications on our Web site, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you feel is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under "Other Attachments Form," please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Submission Dates and Times*: *Applications Available*: June 9, 2017.

Deadline for Notice of Intent to Apply: July 10, 2017.

Date of Pre-Application Webinars: Information about pre-application webinars will be posted at <https://innovation.ed.gov/what-we-do/american-history-and-civics-academies/>.

Deadline for Transmittal of Applications: July 24, 2017.

Applications for grants under this competition must be submitted electronically using the *Grants.gov* Apply site (*Grants.gov*). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to *Other Submission Requirements* in section IV of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT**. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice. Deadline for Intergovernmental Review: September 22, 2017.

4. *Intergovernmental Review*: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions*: We specify unallowable costs in 2 CFR 200, subpart E. We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management*: To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review

by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following Web site: <http://fedgov.dnb.com/webform>. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, it may be 24 to 48 hours before you can access the information in, and submit an application through, *Grants.gov*.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at www.SAM.gov. To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a *SAM.gov* Tip Sheet, which you can find at: www2.ed.gov/fund/grant/apply/sam-faqs.html.

In addition, if you are submitting your application via *Grants.gov*, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with *Grants.gov* as an AOR. Details on these steps are outlined at the following *Grants.gov* Web page: www.grants.gov/web/grants/register.html.

7. Other Submission Requirements:

Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.* Applications for grants

under the Academies Program, CFDA number 84.422A, must be submitted electronically using the Governmentwide *Grants.gov* Apply site at www.Grants.gov. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant application for the Academies Program at www.Grants.gov. You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.422, not 84.422A).

Please note the following:

- When you enter the *Grants.gov* site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the *Grants.gov* system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the *Grants.gov* system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from *Grants.gov*, we will notify you if we are rejecting your application because it was date and time stamped by the *Grants.gov* system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your internet connection. Therefore, we strongly recommend that

you do not wait until the application deadline date to begin the submission process through *Grants.gov*.

- You should review and follow the Education Submission Procedures for submitting an application through *Grants.gov* that are included in the application package for this competition to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* under News and Events on the Department's G5 system home page at www.G5.gov. In addition, for specific guidance and procedures for submitting an application through *Grants.gov*, please refer to the *Grants.gov* Web site at: www.grants.gov/web/grants/applicants/apply-for-grants.html.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

- You must upload any narrative sections and all other attachments to your application as files in a read-only, flattened Portable Document Format (PDF), meaning any fillable PDF documents must be saved as flattened non-fillable files. Therefore, do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, flattened PDF (e.g., Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will not review that material. Please note that this could result in your application not being considered for funding because the material in question—for example, the application narrative—is critical to a meaningful review of your proposal. For that reason it is important to allow yourself adequate time to upload all material as PDF files. The Department will not convert material from other formats to PDF. There is no need to password protect a file in order to meet the requirement to submit a read-only flattened PDF. And, as noted above, the Department will not review password protected files.

- After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of

receipt that contains a *Grants.gov* tracking number. This notification indicates receipt by *Grants.gov* only, not receipt by the Department. *Grants.gov* will also notify you automatically by email if your application met all the *Grants.gov* validation requirements or if there were any errors (such as submission of your application by someone other than a registered Authorized Organization Representative, or inclusion of an attachment with a file name that contains special characters). You will be given an opportunity to correct any errors and resubmit, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by *Grants.gov*, the Department will retrieve your application from *Grants.gov* and send you an email with a unique PR/Award number for your application.

These emails do not mean that your application is without any disqualifying errors. While your application may have been successfully validated by *Grants.gov*, it must also meet the Department's application requirements as specified in this notice and in the application instructions. Disqualifying errors could include, for instance, failure to upload attachments in a read-only, flattened PDF; failure to submit a required part of the application; or failure to meet applicant eligibility requirements. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the *Grants.gov* System: If you are experiencing problems submitting your application through *Grants.gov*, please contact the *Grants.gov* Support Desk, toll free, at 1-800-518-4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the *Grants.gov* system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please

contact the person listed under **FOR FURTHER INFORMATION CONTACT** and provide an explanation of the technical problem you experienced with *Grants.gov*, along with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. We will contact you after we determine whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the *Grants.gov* system. We will not grant you an extension if you failed to fully register to submit your application to *Grants.gov* before the application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the *Grants.gov* system because—

- You do not have access to the internet; or
- You do not have the capacity to upload large documents to the *Grants.gov* system; and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Christine Miller, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W205, Washington, DC 20202-5960. FAX: (202) 205-5630.

Your paper application must be submitted in accordance with the mail or hand-delivery instructions described in this notice.

b. Submission of Paper Applications by Mail.

If you qualify for an exception to the electronic submission requirement, you

may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.422A), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202-4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date.

c. Submission of Paper Applications by Hand Delivery.

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.422A), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202-4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your

grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210. An applicant may earn up to a total of 100 points based on the selection criteria. The maximum score for addressing each criterion is indicated in parentheses.

A. *Quality of the Project Design.* (35 points) The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors—

(i) The extent to which the proposed project represents an exceptional approach to the priority or priorities established for the competition.

(ii) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services.

(iii) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice.

B. *Significance.* (25 points) The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population.

(ii) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement.

C. *Quality of the Management Plan.* (25 points) The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project.

D. *Quality of the Project Evaluation.* (15 points) The Secretary considers the

quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(ii) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Special Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$150,000) under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make

an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through SAM. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary

may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

4. *Performance Measures:* The Department has established the following Government Performance and Results Act of 1993 performance objective for the Academies Program:

Participants will demonstrate through pre- and post-assessments an increased understanding of American history and civics that can be directly linked to their participation in the Presidential or Congressional academy.

We will track performance on this objective through the following measures:

Presidential Academies: The average percentage gain on an assessment after participation in the Presidential academy.

Congressional Academies: The average percentage gain on an assessment after participation in the Congressional Academy.

We advise an applicant for a grant under this program to give careful consideration to these measures in conceptualizing the approach and evaluation of its proposed project. Each grantee will be required to provide, in its annual and final performance reports, data about its performance with respect to these measures.

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., Braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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 via 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.

Dated: June 5, 2017.

Margo Anderson,

Acting Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2017-12024 Filed 6-8-17; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

International Energy Agency Meetings

AGENCY: Department of Energy.

ACTION: Notice of meetings.

SUMMARY: The Industry Advisory Board (IAB) to the International Energy Agency (IEA) will meet on June 14, 2017, at the Conference Centre of the French Ministry of Foreign Affairs, 27, Rue de la Convention, 75015 Paris, France, in connection with a joint meeting of the IEA's Standing Group on Emergency Questions (SEQ) and the IEA's Standing Group on the Oil Market (SOM) on June 15, 2017, in connection with a meeting of the SEQ on that day and on June 15, 2017.

DATES: June 14-15, 2017.

ADDRESSES: 27, Rue de la Convention, 75015 Paris, France

FOR FURTHER INFORMATION CONTACT: Thomas Reilly, Assistant General Counsel for International and National Security Programs, Department of Energy, 1000 Independence Avenue

SW., Washington, DC 20585, 202-586-5000.

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)) (EPCA), the following notice of meetings is provided:

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held at the Centre de Conférence Ministériel of the French Ministry of Foreign Affairs Building, 27, Rue de la Convention, 75015 Paris, France, commencing at 9:30 a.m. on June 14, 2017. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a meeting of the IEA's Standing Group on Emergency Questions (SEQ), which is scheduled to be held at the same location and time. The IAB will also hold a preparatory meeting among company representatives at the same location at 8:30 a.m. on June 14. The agenda for this preparatory meeting is to review the agenda for the SEQ meeting. The agenda of the SEQ meeting is under the control of the SEQ. It is expected that the SEQ will adopt the following agenda:

Draft Agenda of the 151st Meeting of the SEQ to be held at the Centre de Conférence Ministériel of the French Ministry of Foreign Affairs Building 27, Rue de la Convention, 75015 Paris, France, 14 June 2017, beginning at 9:30 a.m.

Closed SEQ Session—IEA Member Countries Only

1. Adoption of the Agenda
 2. Approval of the Summary Record of the 150th Meeting
 3. Status of Compliance with IEP Agreement Stockholding Obligations
 4. Update on Oil Umbrella concept
 5. Mexican ERA & Accession Status Update
 6. Non-OECD Bilateral Stocks
- Open SEQ Session—Open to Association Countries
7. Emergency Response Review of Austria
 8. Industry Advisory Board Update
 9. Mid-term Review of New Zealand
 10. Emergency Response Review of Australia
 11. Outreach: —Thailand ERE; —APERC ERE
 12. Mid-term review of Canada
 13. Update on cyber security & digitalization
 14. Oral Reports by Administrations—JOGMEC training for China (Japan)
 15. Other Business: —Update on legal study; —ERE 9; —ERR Programme
- Schedule of SEQ & SOM Meetings: —2017: —12-14 September 2017

2018: —20–22 March 2018; —19–21 June 2018; —27–29 November 2018

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held at the Conference Centre of the French Ministry of Foreign Affairs, 27, Rue de la Convention, 75015 Paris, France, commencing at 09:45 on June 15, 2017. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a joint meeting of the IEA's Standing Group on Emergency Questions (SEQ) and the IEA's Standing Group on the Oil Market (SOM), which is scheduled to be held at the same location and time. The agenda of the meeting is under the control of the SEQ and the SOM. It is expected that the SEQ and the SOM will adopt the following agenda:

Draft Agenda of the Joint Session of the SEQ and the SOM to be held at the Conference Centre of the French Ministry of Foreign Affairs 27, Rue de la Convention, 75015 Paris, France 15 June 2017, beginning at 09:45

Start meeting/Introduction

1. Adoption of the Agenda
2. Approval of Summary Record of 20 March 2017
3. Reports on Recent Oil Market and Policy Developments in IEA Countries
4. Update on the Current Oil Market Situation: followed by Q&A
5. Presentation: "OPEC" followed by Q&A
6. Presentation: "Tanker tracking?" followed by Q&A
7. Presentation followed by Q&A—External speaker (Rystad Energy)
8. Presentation followed by Q&A—Oral report by the Secretariat
9. Presentation: "Oil Storage Trends & Latest IEA Forecasts for Storage" followed by Q&A
10. Presentation: "Energy and Climate: A View to 2040" followed by Q&A
11. Other Business—Tentative schedule of SEQ and SOM meetings on: 12–14 September 2017, location TBC

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(ii)), the meetings of the IAB are open to representatives of members of the IAB and their counsel; representatives of members of the IEA's Standing Group on Emergency Questions and the IEA's Standing Group on the Oil Markets; representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General Accounting Office, Committees of

Congress, the IEA, and the European Commission; and invitees of the IAB, the SEQ, the SOM, or the IEA.

Issued in Washington, DC, June 5, 2017.

Thomas Reilly,

Assistant General Counsel for International and National Security Programs.

[FR Doc. 2017–11997 Filed 6–8–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Request for Information (RFI): Review of Draft Version of DOE Energy-Water Nexus State Policy Database; Withdrawal

AGENCY: Office of Energy Policy and Systems Analysis, Department of Energy.

ACTION: Notice of request for information (RFI); withdrawal.

SUMMARY: The U.S. Department of Energy (DOE) is withdrawing its RFI entitled, "Review of Draft Version of DOE Energy-Water Nexus State Policy Database," published in the **Federal Register** on Monday, June 5, 2017. This RFI sought review and feedback from stakeholders on the draft version of the DOE Energy—Water Nexus State Policy Database, developed by DOE's Office of Energy Policy and Systems Analysis (DOE—EPSA). DOE is further reviewing the draft version of the database before determining whether to reissue the RFI seeking public input.

DATES: The notice published at 82 FR 25783 on June 5, 2017, is withdrawn as of June 9, 2017.

FOR FURTHER INFORMATION CONTACT: Samuel Bockenbauer, U.S. Department of Energy, Office of Energy Policy and Systems Analysis, 1000 Independence Avenue SW., Washington, DC 20585. Email: samuel.bockenbauer@hq.doe.gov. Phone: (202) 586–9016.

Issued in Washington, DC on June 6, 2017.

Kyle Yunaska,

Special Advisor, Office of Energy Policy and Systems Analysis.

[FR Doc. 2017–12092 Filed 6–7–17; 4:15 pm]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 9963–37–OA]

Meetings of the Local Government Advisory Committee and the Small Communities Advisory Subcommittee (SCAS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Small Communities Advisory Subcommittee (SCAS) will meet via teleconference on Thursday, June 29, 2017 at 1:00 p.m.–2:00 p.m. (ET). The Subcommittee will discuss recommendations regarding environmental issues affecting small communities, specifically agricultural issues and recommendations on revising the definition of "Waters of the U.S." under the Clean Water Act, as well as other environmental issues effecting small communities. This is an open meeting and all interested persons are invited to participate. The Subcommittee will hear comments from the public between 1:15 p.m.–1:30 p.m. on June 29, 2017. Individuals or organizations wishing to address the Subcommittee will be allowed a maximum of five minutes to present their point of view. Also, written comments should be submitted electronically to Matthews.Demond@epa.gov. Please contact the Designated Federal Officer (DFO) at (202) 564–3781 to schedule a time on the agenda. Time will be allotted on a first-come first-serve basis, and the total period for comments may be extended if the number of requests for presentations requires it.

The Local Government Advisory Committee (LGAC) will meet via teleconference on Thursday, June 29, 2017, 2:00 p.m.–3:00 p.m. (ET). The Committee will discuss recommendations of the subcommittee and LGAC workgroups including recommendations on revising the definition of "Waters of the U.S." under the Clean Water Act, as well as other issues important to local governments. This is an open meeting and all interested persons are invited to participate. The Committee will hear comments from the public between 2:15 p.m.–2:30 p.m. (ET) on Thursday, June 29, 2017. Individuals or organizations wishing to address the Committee will be allowed a maximum of five minutes to present their point of view. Also, written comments should be submitted electronically to eargle.frances@epa.gov. Please contact the Designated Federal Officer (DFO) at the number listed

below to schedule a time on the agenda. Time will be allotted on a first-come first-serve basis, and the total period for comments may be extended if the number of requests for presentations requires it.

ADDRESSES: The Environmental Protection Agency (EPA)'s Local Government Advisory Committee meetings will be held via teleconference. Meeting summaries will be available after the meeting online at www.epa.gov/ocir/scas_lgac/lgac_index.htm and can be obtained by written request to the DFO.

FOR FURTHER INFORMATION CONTACT: Local Government Advisory Committee (LGAC) contact Frances Eargle at (202) 564-3115 or email at eargle.frances@epa.gov.

INFORMATION SERVICES FOR THOSE WITH DISABILITIES: For information on access or services for individuals with disabilities, please contact Frances Eargle at (202) 564-3115 or eargle.frances@epa.gov. To request accommodation of a disability, please request it 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: May 24, 2017.

Jack Bowles,

Director, State and Local Relations, Office of Congressional and Intergovernmental Relations.

[FR Doc. 2017-12017 Filed 6-8-17; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-9033-6]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7146 or <http://www.epa.gov/nepa>. Weekly receipt of Environmental Impact Statements (EISs) Filed 05/29/2017 Through 06/02/2017 Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <http://www.epa.gov/compliance/nepa/eisdata.html>.

EIS No. 20170094, Final, NMFS, OR, Analyze Impacts of NOAA's National Marine Fisheries Service Proposed Approval of the Continued Operation of 10 Hatchery Facilities for Trout,

Salmon, and Steelhead Along the Oregon Coast, as Described in Oregon Department of Fish and Wildlife Hatchery and Genetic Management Plans Pursuant to Section 4(d) of the Endangered Species Act, Review Period Ends: 07/10/2017, Contact: Lance Kruzic, 541-957-3381.

EIS No. 20170095, Draft, USFWS, CA, Yolo Habitat Conservation Plan/ Natural Community Conservation Plan, Comment Period Ends: 08/29/2017, Contact: Mike Thomas 916-414-6464.

EIS No. 20170096, Final, USACE, MS, Port of Gulfport Expansion Project, Review Period Ends: 07/10/2017, Contact: Philip Hegji 251-690-3222.

EIS No. 20170097, Draft Supplement, USFS, CO, Federal Coal Lease Modifications COC-1362 & COC-67232, Comment Period Ends: 07/24/2017, Contact: Niccole Mortenson 406-329-3163.

Dated: June 6, 2017.

Dawn Roberts,

Management Analyst, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2017-12016 Filed 6-8-17; 8:45 am]

BILLING CODE 6560-50-P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Equal Employment Opportunity Commission.

DATE AND TIME: Wednesday June 14, 9:30 a.m. Eastern Time.

PLACE: Jacqueline A. Berrien Training Center on the First Floor of the EEOC Office Building, 131 "M" Street NE., Washington, DC 20507.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Open Session

1. Announcement of Notation Votes, and
2. The ADEA @50—More Relevant Than Ever.

Note: In accordance with the Sunshine Act, the meeting will be open to public observation of the Commission's deliberations and voting. Seating is limited and it is suggested that visitors arrive 30 minutes before the meeting in order to be processed through security and escorted to the meeting room. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides information about Commission meetings

on its Web site, www.eeoc.gov., and provides a recorded announcement a week in advance on future Commission sessions.)

Please telephone (202) 663-7100 (voice) and (202) 663-4074 (TTY) at any time for information on these meetings. The EEOC provides sign language interpretation and Communication Access Realtime Translation (CART) services at Commission meetings for the hearing impaired. Requests for other reasonable accommodations may be made by using the voice and TTY numbers listed above.

FOR FURTHER INFORMATION CONTACT: Bernadette B. Wilson, Acting Executive Officer on (202) 663-4077.

Dated: June 6, 2017.

Bernadette B. Wilson,

Acting Executive Officer, Executive Secretariat.

[FR Doc. 2017-12025 Filed 6-7-17; 11:15 am]

BILLING CODE 6570-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-1046]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information

unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before July 10, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email Nicholas_A_Fraser@omb.eop.gov; and to Nicole Ongele, FCC, via email PRA@fcc.gov and to Nicole.Ongele@fcc.gov. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418-2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the Web page called "Currently Under Review," (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of

information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060-1046.

Title: Part 64, Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 469 respondents; 3,725 responses.

Estimated Time per Response: 0.50 hours-200 hours.

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

Obligation to Respond: Required to Obtain or Retain Benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 154 and 276.

Total Annual Burden: 73,494 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting respondents to submit confidential information. Respondents may request confidential treatment of their information that they believe to be confidential pursuant to 47 CFR 0.459 of the Commission's rules.

Needs and Uses: In the Order on Reconsideration (FCC 04-251), the Commission considered four petitions for reconsideration of our Report and Order. The Report and Order (FCC 03-235) established detailed rules (Payphone Compensation Rules) ensuring that payphone service providers or PSPs are "fairly compensated" for each and every completed payphone-originated call pursuant to section 276 of the Communications Act, as amended (the Act). The Payphone Compensation Rules satisfy section 276 by identifying the party liable for compensation and establishing a mechanism for PSPs to be paid. The Payphone Compensation Rules: (1) Place liability to compensate PSPs for payphone-originated calls on the facilities-based long distance carriers or switch-based resellers (SBRs) from whose switches such calls are completed; (2) define these responsible carriers as "Completing Carriers" and

require them to develop their own system of tracking calls to completion, the accuracy of which must be confirmed and attested to by a third-party auditor; (3) require Completing Carriers to file with PSPs a quarterly report and also submit an attestation by the chief financial officer (CFO) that the payment amount for that quarter is accurate and is based on 100% of all completed calls; (4) require quarterly reporting obligations for other facilities-based long distance carriers in the call path, if any, and define these carriers as "Intermediate Carriers;" (5) give parties flexibility to agree to alternative compensation arrangements (ACA) so that small Completing Carriers may avoid the expense of instituting a tracking system and undergoing an audit. The Order on Reconsideration did not change this compensation framework, but rather refined and built upon its approach. While the Commission increased the time carriers must retain certain data and added burden in that regard, the Commission also removed potentially burdensome paperwork requirements by encouraging carriers to comply with the reporting requirements through electronic means. We believe that the clarifications adopted in the Order on Reconsideration significantly decrease the paperwork burden on carriers. Specifically, the Commission did the following: (1) Clarified alternative arrangements for small businesses requiring a Completing Carrier to give the PSP adequate notice of an ACA prior to its effective date with sufficient time for the PSP to object to an ACA, and also prior to the termination of an ACA; (2) clarified any paperwork burdens imposed on carriers allowing Completing Carriers the ability to give PSPs adequate notice of payphone compensation requirements by placing notice on a clearinghouse Web site or through electronic methods; (3) required Completing Carriers and Intermediate Carriers to report only completed calls in their quarterly reports; and (4) extended the time period from 18 to 27 months for Completing Carriers and Intermediate Carriers to retain certain payphone records.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017-11960 Filed 6-8-17; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL DEPOSIT INSURANCE CORPORATION**Notice of Termination; 10394 Patriot Bank of Georgia, Cumming, Georgia**

The Federal Deposit Insurance Corporation (FDIC), as Receiver for 10394 Patriot Bank of Georgia, Cumming, Georgia (Receiver) has been authorized to take all actions necessary to terminate the receivership estate of Patriot Bank of Georgia (Receivership Estate); the Receiver has made all dividend distributions required by law.

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds.

Effective June 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: June 6, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,
Executive Secretary.

[FR Doc. 2017-11975 Filed 6-8-17; 8:45 am]

BILLING CODE 6714-01-P

FEDERAL MARITIME COMMISSION**Performance Review Board**

AGENCY: Federal Maritime Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Board.

FOR FURTHER INFORMATION CONTACT: William "Todd" Cole, Director Office of Human Resources, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573, (202) 523-5773.

SUPPLEMENTARY INFORMATION: Sec. 4314(c)(1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

The Members of the Performance Review Board Are

1. Rebecca F. Dye, Commissioner
2. Daniel B. Maffei, Commissioner
3. William P. Doyle, Commissioner
4. Mary T. Hoang, Chief of Staff
5. Clay G. Guthridge, Chief Administrative Law Judge
6. Erin M. Wirth, Administrative Law Judge
7. Florence A. Carr, Director, Bureau of Trade Analysis
8. Rebecca A. Fenneman, Director, Office of Consumer Affairs & Dispute Resolution Services
9. Karen V. Gregory, Managing Director
10. Peter J. King, Director, Assistant Managing Director
11. Sandra L. Kusumoto, Director, Bureau of Certification and Licensing
12. Tyler J. Wood, General Counsel

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2017-11976 Filed 6-8-17; 8:45 am]

BILLING CODE 6731-AA-P

FEDERAL RESERVE SYSTEM**Proposed Agency Information Collection Activities; Comment Request**

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, with revision, the mandatory Capital Assessments and Stress Testing information collection applicable to bank holding companies (BHCs) with total consolidated assets of \$50 billion or more and U.S. intermediate holding companies (IHCs) established by foreign banking organizations.

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 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 August 8, 2017.

ADDRESSES: You may submit comments, identified by *FR Y-14A/Q/M*, 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 Elmagrabi, Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452-3884. 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:

- 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;
- 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;
- Ways to enhance the quality, utility, and clarity of the information to be collected;
- 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
- Estimates of capital or start-up 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, With Revision, of the Following Report

Report title: Capital Assessments and Stress Testing.

Agency form number: FR Y-14A/Q/M.

OMB control number: 7100-0341.

Effective Dates: September 30, 2017, or December 31, 2017.

Frequency: Annually, semi-annually, quarterly, and monthly.

Respondents: The respondent panel consists of any top-tier bank holding company (BHC) or intermediate holding company (IHC) that has \$50 billion or more in total consolidated assets, as determined based on: (i) The average of the firm's total consolidated assets in the four most recent quarters as reported quarterly on the firm's Consolidated Financial Statements for Bank Holding Companies (FR Y-9C) (OMB No. 7100-0128); or (ii) the average of the firm's total consolidated assets in the most recent consecutive quarters as reported quarterly on the firm's FR Y-9Cs, if the firm has not filed an FR Y-9C for each of the most recent four quarters. Reporting is required as of the first day

of the quarter immediately following the quarter in which it meets this asset threshold, unless otherwise directed by the Board.

Estimated annual reporting hours: FR Y-14A: Summary, 69,312 hours; Macro Scenario, 2,356 hours; Operational Risk, 684 hours; Regulatory Capital Instruments, 798 hours; Business Plan Changes, 608 hours; Adjusted capital plan submission, 500 hours. FR Y-14Q: Retail, 2,280 hours; Securities, 1,976 hours; Pre-provision net revenue (PPNR), 108,072 hours; Wholesale, 22,952 hours; Trading, 84,744 hours; Regulatory Capital Transitions, 3,496 hours; Regulatory Capital Instruments, 8,208 hours; Operational risk, 7,600 hours; Mortgage Servicing Rights (MSR) Valuation, 1,288 hours; Supplemental, 608 hours; Retail Fair Value Option/Held for Sale (Retail FVO/HFS), 1,440 hours; Counterparty, 22,616 hours; and Balances, 2,432 hours. FR Y-14M: 1st lien mortgage, 222,912 hours; Home Equity, 185,760 hours; and Credit Card, 104,448 hours. FR Y-14 On-going automation revisions, 18,240 hours. FR Y-14 Attestation On-going audit and review, 33,280 hours.

Estimated average hours per response: FR Y-14A: Summary, 912 hours; Macro Scenario, 31 hours; Operational Risk, 18 hours; Regulatory Capital Instruments, 21 hours; Business Plan Changes, 16 hours; Adjusted capital plan submission, 100 hours. FR Y-14Q: Retail, 15 hours; Securities, 13 hours; PPNR, 711 hours; Wholesale, 151 hours; Trading, 1,926 hours; Regulatory Capital Transitions, 23 hours; Regulatory Capital Instruments, 54 hours; Operational risk, 50 hours; MSR Valuation, 23 hours; Supplemental, 4 hours; Retail FVO/HFS, 15 hours; Counterparty, 514 hours; and Balances, 16 hours. FR Y-14M: 1st Lien Mortgage, 516 hours; Home Equity, 516 hours; and Credit Card, 512 hours. FR Y-14 On-going automation revisions, 480 hours. FR Y-14 Attestation On-going audit and review, 2,560 hours.

Number of respondents: 38.

Legal authorization and confidentiality: The FR Y-14 series of reports are authorized by section 165 of the Dodd-Frank Act, which requires the Board to ensure that certain BHCs and nonbank financial companies supervised by the Board are subject to enhanced risk-based and leverage standards in order to mitigate risks to the financial stability of the United States (12 U.S.C. 5365). Section 5(c) of the Bank Holding Company Act (BHCA) authorizes the Board to require bank holding companies and any subsidiary of such company to submit reports to

the Board.¹ In addition, certain foreign banking organizations are treated as bank holding companies for purposes of the BHCA under section 8(a) of the International Banking Act (IBA).² Because section 5(c) of the BHCA permits the Board to require reports from subsidiaries of bank holding companies, including subsidiaries of foreign banking organizations that are treated as bank holding companies, section 5(c) authorizes the Board to require any such subsidiary of a foreign banking organization to report to the Board. Therefore, the Board is authorized under section 5(c) of the BHCA to require the FR Y-14 from each U.S. intermediate holding company (IHC) of a foreign banking organization that is a bank holding company and under sections 5(c) of the BHCA and section 8(a) of the IBA from each U.S. IHC that is a subsidiary of a foreign banking organization treated as a bank holding company.

As these data are collected as part of the supervisory process, they are subject to confidential treatment under exemption 8 of the Freedom of Information Act (FOIA) (5 U.S.C. 552(b)(8)). In addition, commercial and financial information contained in these information collections may be exempt from disclosure under exemption 4 of FOIA (5 U.S.C. 552(b)(4)), if disclosure would likely have the effect of (1) impairing the government's ability to obtain the necessary information in the future, or (2) causing substantial harm to the competitive position of the respondent. Such exemptions would be made on a case-by-case basis.

Abstract: The data collected through the FR Y-14A/Q/M reports provide the Board with the information and perspective needed to help ensure that large firms have strong, firm-wide risk measurement and management processes supporting their internal assessments of capital adequacy and that their capital resources are sufficient given their business focus, activities, and resulting risk exposures. The annual Comprehensive Capital Analysis and Review (CCAR) exercise complements other Board supervisory efforts aimed at enhancing the continued viability of large firms, including continuous monitoring of firms' planning and management of liquidity and funding resources and regular assessments of credit, market and operational risks, and associated risk management practices. Information gathered in this data collection is also used in the supervision and regulation

¹ See 12 U.S.C. 1844(c).

² See 12 U.S.C. 3106(a).

of these financial institutions. To fully evaluate the data submissions, the Board may conduct follow-up discussions with, or request responses to follow up questions from, respondents.

The Capital Assessments and Stress Testing information collection consists of the FR Y-14A, Q, and M reports. The semi-annual FR Y-14A collects quantitative projections of balance sheet, income, losses, and capital across a range of macroeconomic scenarios and qualitative information on methodologies used to develop internal projections of capital across scenarios.³ The quarterly FR Y-14Q collects granular data on various asset classes, including loans, securities, and trading assets, and pre-provision net revenue (PPNR) for the reporting period. The monthly FR Y-14M comprises three retail portfolio and loan-level collections, and one detailed address matching collection to supplement two of the portfolio and loan-level collections.

Current Actions: The Board proposes (1) revising and extending for three years the Capital Assessments and Stress Testing information collection (FR Y-14A/Q/M; OMB No. 7100-0341); (2) modifying the scope of the global market shock component of the Board's stress tests (global market shock) in a manner that would include certain U.S. intermediate holding companies (IHCs) of foreign banking organizations (FBOs); and (3) making other changes to the FR Y-14 reports.

The Board's enhanced prudential standards rule requires certain large FBOs to establish U.S. IHCs, which are subject to the same capital and stress testing standards that apply to domestic bank holding companies.⁴ All U.S. IHCs formed in 2016 with total consolidated assets over \$50 billion will become subject to supervisory stress tests in 2018. Even though several of these U.S. IHCs have significant trading and counterparty exposures, none of them would be subject to the global market shock in 2018 under the current standard.

Specifically, the draft initial notice would amend the FR Y-14 to apply the global market shock to any domestic bank holding company or U.S. IHC that is subject to supervisory stress tests and that (1) has aggregate trading assets and liabilities of \$50 billion or more, or aggregate trading assets and liabilities equal to 10 percent or more of total

consolidated assets, and (2) is not a "large and noncomplex firm" under the Board's capital plan rule.⁵ As a result of the proposed change, five U.S. IHCs are expected to become subject to the global market shock, and the six domestic bank holding companies that meet the current materiality threshold would remain subject to the exercise under the new threshold.⁶ The annual reporting burden associated with the addition of the five U.S. IHCs to the global market shock is estimated at 9,736 hours per firm for a total increase of approximately 48,800 hours.

The proposed revisions to the FR Y-14M consist of adding two items related to subsidiary identification and balance amounts, which facilitate use of these data by the Office of the Comptroller of the Currency (OCC). The addition of these items would also result in the removal of an existing item that identifies loans where the reported balance is the cycle-ending balance.

A limited number of other changes to the FR Y-14 are proposed. In connection with these proposed changes, two schedules on the FR Y-14A would be removed from the collection. The proposed revisions to the FR Y-14 would be effective with the reports as of September 30, 2017, except for certain revisions to the FR Y-14A reports, for which the first collection would be the December 31, 2017, as of date, as noted in the detailed schedule sections below.

The total current annual burden for the FR Y-14A/Q/M is estimated to be 858,138 hours and, with the changes proposed in this memorandum, is estimated to increase by 48,472 hours for 906,610 aggregate burden hours. The proposed modifications to the scope of the global market shock are estimated to increase the annual reporting burden by approximately 48,800 hours in the aggregate. All of the increase in burden due to the modification of the global market shock is attributable to the five U.S. IHCs that would become subject to the global market shock submitting the FR Y-14 trading and counterparty schedules on a quarterly basis. None of the increased burden would fall on domestic bank holding companies that are subject to the global market shock.

⁵ A large and noncomplex firm is defined under the capital plan rule as a firm that has average total consolidated assets of at least \$50 billion but less than \$250 billion, has average total nonbank assets of less than \$75 billion, and is not identified as global systemically important bank holding company (GSIB) under the Board's rules. 12 CFR 225.8(d)(9).

⁶ The firms are Credit Suisse Holdings (USA), Inc., Barclays US LLC, DB USA Corporation, HSBC North America Holdings Inc., and UBS Americas Holdings LLC.

The addition of items to the FR Y-14M represents 1,200 total additional burden hours. Excluding the proposed modifications to the global market shock and modification to the FR Y-14M reports, the further changes would result in an overall net decrease of 1,408 reporting hours.

These data are, or would be, used to assess the capital adequacy of BHCs and U.S. IHCs using forward-looking projections of revenue and losses to support supervisory stress test models and continuous monitoring efforts, as well as to inform the Board's operational decision-making as it continues to implement the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd Frank Act).

Proposed Revisions to the FR Y-14A/Q/M

Proposed Global Market Shock Modifications

The U.S. operations of FBOs became more complex, interconnected, and concentrated in the years leading up to the financial crisis. The financial crisis demonstrated that these large FBOs operating in the U.S. could pose a similar threat to financial stability as large U.S. financial companies. Prior to the crisis, U.S. branches and agencies of FBOs, traditional net recipients of funding, began receiving less funding from their parent institutions and providing significant funding to non-U.S. affiliates. The vulnerabilities of foreign banks' U.S. operations became particularly apparent as FBOs became disproportionate users of Federal Reserve lending facilities during the financial crisis; many of these FBOs required extraordinary support from home- and host-country central banks and governments.

To mitigate certain weaknesses in the existing framework for supervising and regulating these organizations revealed during the crisis, and to recognize the important role that FBOs play in the U.S. financial system, the Board issued a rule imposing enhanced prudential standards on large FBOs and capital standards on U.S. bank holding company subsidiaries of FBOs (enhanced prudential standards rule).⁷ The rule aimed to strengthen the capital and liquidity positions of the U.S. operations of FBOs and promote a level playing field among all banking firms operating in the U.S. by requiring FBOs with U.S. non-branch assets of \$50 billion or more to establish a U.S. IHC. Under the rule, U.S. IHCs are subject to the same risk-based capital and leverage

⁷ See 77 FR 6628 (December 28, 2012) and 79 FR 17240 (March 27, 2014).

³ BHCs that must re-submit their capital plan generally also must provide a revised FR Y-14A in connection with their resubmission.

⁴ 12 CFR 252.153 (79 FR 17240 (March 27, 2014)).

requirements applicable to domestic bank holding companies and to many of the same enhanced prudential standards, including capital planning and stress testing requirements.

The enhanced prudential standards rule included the following transition periods:

- January 1, 2015: FBOs with U.S. non-branch assets of \$50 billion or more as of June 30, 2014, were required to submit an implementation plan to the Board outlining the proposed process to come into compliance with the rule's requirements;
- July 1, 2016: U.S. IHCs were required to be established and are subject to risk-based capital requirements;
- 2017 CCAR/DFAST cycle: Newly established IHCs are subject to the capital plan rule (but are not subject to full CCAR);
- January 1, 2018: U.S. IHCs are subject to leverage capital requirements; and
- 2018 CCAR/DFAST cycle: Newly established IHCs are subject to CCAR and supervisory stress tests.

The FR Y-14 data are critical inputs to the CCAR exercise and supervisory stress tests. In 2016, the Board finalized the requirement for IHCs to file certain regulatory reports applicable to bank holding companies, including the FR Y-14 reports. However, because of their current asset size, no U.S. IHCs are required to submit trading and counterparty data on the FR Y-14 reports and not subject to the global market shock. The global market shock applies hypothetical asset price shocks to a firm's trading book, private equity positions, and counterparty exposures as of a point in time, resulting in instantaneous losses and a reduction in capital. Under the Board's stress test rules, the global market shock applies to firms with significant trading activity as specified in the FR Y-14 report.⁸ The FR Y-14 currently provides that firms with \$500 billion or more in total consolidated assets have significant trading activity.

The materiality threshold for the global market shock is based on the trailing four-quarter average of total consolidated assets of the holding company. The current scope of applicability of \$500 billion or more in total consolidated assets was intended to capture domestic bank holding companies with significant trading businesses. As noted, the \$500 billion threshold, however, does not capture any U.S. IHC. Applying the market shock to certain U.S. IHCs would help

the Board more accurately identify the firms' risks and capital needs. In addition, applying the market shock to these IHCs would result in a more comparable treatment to large domestic bank holding companies with similar exposures and business models.

The proposal would modify the FR Y-14 reporting thresholds for the FR Y-14Q, Schedule F (Trading) and Schedule L (Counterparty), and FR Y-14A, Schedule A.4 (Summary—Trading) and Schedule A.5 (Summary—Counterparty Credit Risk), collections to apply the global market shock to firms based in part on the trading activities of a firm. (As noted, under the proposal the global market shock would apply to any firm subject to supervisory stress tests that (1) has aggregate trading assets and liabilities of \$50 billion or more, or aggregate trading assets and liabilities equal to 10 percent or more of total consolidated assets, and (2) is not a large and noncomplex firm.) The IHCs that meet the proposed materiality threshold would be:

- Required to submit data surrounding trading and counterparty exposures on the FR Y-14A/Q reports (FR Y-14A Schedules A.4 and A.5, (Trading and Counterparty, respectively); FR Y-14Q Schedules F and L (Trading and Counterparty, respectively)) effective with the reports as of September 30, 2017; and
- Subject to the global market shock exercise beginning with the 2018 CCAR/DFAST exercise.

Collecting the FR Y-14 data beginning with the reports as of September 30, 2017, would provide the firms with one quarter before the 2018 CCAR/DFAST exercise to identify any questions regarding intended reporting or submission requirements and receive clarifying responses, and would also give the Board an initial view of data quality and the opportunity to request remediation of issues in advance of the use of these data as part of the global market shock.

The revised scope of application for the global market shock is more closely tailored to the market risk of firms. The proposed definition of total trading activity is similar to the applicability criteria in the Board's market risk rule, which applies to any BHC with aggregate trading assets and trading liabilities of either (1) 10 percent or more of total assets, or (2) \$1 billion or more.⁹ Large and noncomplex firms would continue to be excluded from the global market shock.¹⁰ This is consistent

⁹ See 12 CFR 217.201(b).

¹⁰ "Large and noncomplex firms" is defined by the capital plan rule and would align with recently

with the goal to reduce the compliance burden for the smaller and less complex firms that participate in CCAR.

A threshold based on aggregate trading assets and liabilities of 10 percent of total assets would capture cases where market risk is a key risk for a firm on a relative basis. As of December 31, 2016, the firms subject to the capital plan rule on average had a ratio of tier 1 capital to total assets of 8.9 percent. Thus, 10 percent of the total assets of these firms on average represents more than 100 percent of their tier 1 capital. A 10 percent threshold would also align with one of the two thresholds used to identify firms that are subject to the Board's market risk rule, which requires firms to have risk management processes in place to address their market risk.¹¹

The separate \$50 billion trading activity threshold would capture cases where a firm has total trading assets and liabilities that are significant on an absolute basis but less than 10 percent of the firm's total assets. Adopting the \$50 billion threshold, as an alternative to the current \$500 billion total assets threshold, would better capture the market risk of the largest firms that participate in CCAR. Notably, the four largest BHCs that do not currently participate in the global market shock on average have total assets of \$378 billion as of December 31, 2016, but have trading activity of significantly less than \$50 billion (as of December 31, 2016, \$9.45 billion on average). As of December 31, 2016, the only firm that would be subject to the global market shock based solely on the proposed \$50 billion asset threshold is a BHC that currently is subject to the global market shock under the current \$500 billion total assets threshold.

Proposed Revisions to the FR Y-14A & FRY-14Q

The proposed revisions to the FR Y-14A and FR Y-14Q consist of modifying reported items and instructions by clarifying the intended reporting of existing items, and seek to further align reported items with methodology, standards, and treatment on other regulatory reports or within the FR Y-14 schedules. In this regard, the Board is proposing updates to certain FR Y-14Q instructions and changes to the reporting structure and requirements of

finalized modifications to the capital plan rule. See 12 CFR 225.8(d)(9) as described in 82 FR 9308 (February 3, 2017).

¹¹ Notably, the proposed relative materiality threshold is much higher than the materiality criteria for other Y-14 schedules because the proposed 10 percent threshold is defined in terms of total assets rather than tier 1 capital.

⁸ See 12 CFR 252.54(b)(2)(i).

existing items. In addition, the Board proposes eliminating two schedules from the FR Y-14A, to reduce burden on the reporting institutions. The proposal would also result in the addition of a new sub-schedule to supplement the existing collection of business plan change information and would be consistent with the structure of data reported elsewhere on the FR Y-14A. The proposed changes to the FR Y-14Q outlined below would be effective September 30, 2017, while the proposed changes to the FR Y-14A would be effective with submissions for December 31, 2017.

FR Y-14A, Schedule A (Summary)

Schedule A.3 (AFS/HTM Securities)
The Board proposes modifying the instructions for sub-schedules A.3.a and A.3.c to clarify the reporting of “Credit Loss portion” and “Non-Credit Loss Portion” information. To eliminate contradictory treatment in reporting these items, the instructions for Schedule A.3.a (Projected OTTI for AFS Securities and HTM by Security) and A.3c (Projected OTTI for AFS and HTM Securities by Portfolio) would be modified to specifically reference which item firms should report losses on.

In addition, the text describing the reporting of positions on the FR Y-14A, Schedule A.3.c., will be removed from the report form and incorporated into the instructions for this sub-schedule.

Schedule A.5 (Counterparty) The Board proposes adding an item to capture the FVA for an exposure to a counterparty separately from credit valuation adjustment (CVA). Some respondents have been including FVA in their reported CVA loss estimates. The addition of this item would clarify the appropriate reporting of both FVA and CVA, and enable the Board to more accurately model losses associated with counterparty risk.

FR Y-14A, Schedule D (Regulatory Capital Transitions)

The Board proposes eliminating FR Y-14A, Schedule D (Regulatory Capital Transitions) from the information collection. This schedule collected a five-year projection reflecting fully phased-in revised regulatory capital rules. With the CCAR 2018 collection (FR Y-14 reports as-of December 31, 2017), the majority of the five-year forecast projects data beyond the first quarter of 2019, the date as of which transition provisions will be fully phased-in, diminishing the value-added by collecting these projections.

FR Y-14A, Schedule F (Business Plan Changes)

Schedule F.2 (Pro Forma Balance Sheet M&A) The Board proposes the addition of a new BPC (FR Y-14A, Schedule F) sub-schedule, “Pro Forma Balance Sheet M&A,” to be submitted annually, beginning with the reports as of December 31, 2017, by any firm reporting a business plan change as defined on the existing Schedule F. The items on the sub-schedule would consist of items on Schedule A.1.b (Balance Sheet) of the FR Y-14A, Schedule A (Summary) and would complement the information already collected on the FR Y-14A, Schedule F (BPC). Currently, the post-acquisition fair value of the asset is collected on the existing FR Y-14A Schedule F, but no information on the pre-acquisition book value of the asset, purchase accounting adjustments, or fair value adjustments is collected.

The inclusion of the proposed “Pro Forma Balance Sheet M&A” sub-schedule would standardize the collection of pre-acquisition book value, purchase accounting adjustments, and fair value adjustments data, on a granular level, thereby allowing for improved validation of merger and acquisition accounting. While certain data regarding purchase accounting and fair value adjustments are available in the supporting documentation submitted by respondents, the granularity, structure, and amount of information provided is inconsistent across firms. The Board expects that the incremental burden of this new sub-schedule should be minimal, given that the pro forma information that would be required is related to what a firm must submit in its application for regulatory approval and that the data items would be similar to those collected on the existing Balance Sheet sub-schedule. In addition, the standardized collection of this information on a new sub-schedule, which would only be completed in the case of a merger or acquisition, should limit ad hoc follow-up during the CCAR quarter.

With the addition of the aforementioned sub-schedule, the Board proposes that the existing BPC data collection be renamed to “Post Acquisition BPC” and become a sub-schedule (Schedule F.1) of the FR Y-14A, Schedule F.

FR Y-14A, Schedule G (Retail Repurchase Exposures)

As communicated on February 3, 2017, in a press release regarding “Enhancements to Federal Reserve Models Used to Estimate Post-Stress

Capital Ratios” the Board notified firms of key enhancements to certain aspects of the Board’s models.¹² Specifically, in an effort to better align the operational risk and mortgage repurchase models, for DFAST 2017, the Board retired the mortgage repurchase model and used an enhanced operational risk model to capture losses. In accordance with the shift in modeling these losses, the Board proposes eliminating FR Y-14A, Schedule G (Retail Repurchase Exposures) from the information collection.

Proposed Elimination of Extraordinary Items

In January of 2015, an amendment (ASU No. 2015-01) to the FASB Accounting Standards Codification, Income Statement—Extraordinary and Unusual Items (FASB Subtopic 225-30), simplified the income statement presentation through the elimination of the concept of extraordinary items from generally accepted accounting principles. As a result, the Board proposes making changes consistent with this amendment to the FR Y-14A and FR Y-14Q reports. Specifically, references to the term “extraordinary items” would be eliminated from the FR Y-14A, Schedule A.1.a (Income Statement) and the FR Y-14Q, Schedule H (Wholesale) forms and instructions, and where appropriate, replaced with “discontinued operations.” This change would be effective September 30, 2017.

FR Y-14Q, Schedule A (Retail)

Effective with the FR Y-14 reports as of September 30, 2017, the Board proposes modifying the instructions for the FR Y-14Q, Schedule A.3 (Retail—International Credit Card) to include consumer credit and charge cards reported in FR Y-9C, Schedule HC-C, line item 6.d in addition to those included in Schedule HC-C, line item 6.a. The discrepancy in line item references relates to recently updated guidance regarding the reporting of charge cards on the FR Y-9C. These modifications would eliminate unintended differences in reporting that recently arose between the FR Y-14 and the FR Y-9C data series.

FR Y-14Q, Schedule C (Regulatory Capital Instruments)

The Board proposes minor changes to the FR Y-14Q, Schedule C (RCI) to clarify the reporting of certain information within the existing items on

¹² See “Enhancements to Federal Reserve Models Used to Estimate Post-Stress Capital Ratios.” (February 3, 2017), available at: <https://www.federalreserve.gov/newsevents/pressreleases/files/bcreg20170203al.pdf>.

the schedule. The reporting of this information has been inconsistent across firms, and the modification of existing guidance in the instructions would seek to improve firms' understanding of where to report these data and information. Both changes would be effective with reports as of September 30, 2017.

First, the Board proposes enhancing the instructions for the "Comments" field in all three sub-schedules. Currently, the instructions for Columns K and AA, respectively, note only that firms should provide any supporting information, without any indication of what types of information are expected. The proposal would modify the instructions for the comments column to specify that firms should indicate within the comments how the amounts reported on these sub-schedules tie back to amounts approved in the firm's capital plan.

Finally, the Board proposes adding three additional types of instruments to be reported in Column C (Instrument Type) on Schedules C.1, C.2, and C.3 to capture issuances of capital instruments related to employee stock compensation (e.g., de novo common stock or treasury stock), changes in a firm's additional paid-in-capital (APIC) related to unvested employee stock compensation, and changes in an IHC's APIC through the remission of capital to a foreign parent.

The first additional instrument type will be added to capture regulatory capital associated with employee stock compensation (Common Stock—Employee Stock Compensation) that is currently grouped under "Common Stock (CS)". Additionally, two new instrument types will be added to capture changes in APIC associated with employee stock compensation (APIC—Employee Stock Compensation) and with remissions of capital to a foreign parent entity (APIC—Foreign Parent) of the respective IHC. These changes would provide for a more complete view of regulatory capital, clarify the type of instruments to be captured on this schedule, allow for more precise reporting, and track the accrual of employee stock compensation. For U.S. IHCs, the changes would allow the Board to measure and monitor capital that a U.S. IHC remits to the foreign parent through mechanisms other than common stock dividends. The instructions also would be updated to indicate the expected reporting of these items.

FR Y-14Q, Schedule F (Trading)

For the September 30, 2017, submission, the Board proposes

modifying the breakouts of vintage years on Schedule F.14 (Securitized Products) to be relative to the reporting date rather than in specified years. The report included the current breakouts of vintage years since the report's inception and, because they are static breakouts, they have since become outdated. This change would result in no structural changes to the reporting form.

FR Y-14Q, Schedule H (Wholesale)

The Board proposes several changes to the FR Y-14Q, Schedule H (Wholesale), as outlined below, all of which would be effective with the September 30, 2017, report date. These changes include the modification or clarification of certain item definitions and allowable values within those schedules.

Recent comments and questions provided by respondents via the FR Y-14 frequently asked questions process (FAQs) resulted in several suggestions to refine or modify the instructions for Schedules H.1 and H.2 (Corporate and CRE, respectively). Respondents indicated that the Disposition Flag and Credit Facility Type fields on the FR Y-14Q Schedules H.1 and H.2 do not provide reporting options to capture commitments to commit that expire. The Board agrees there is currently no way to report or identify commitments to commit within the current reporting structure. Therefore, in response to this feedback, the Board proposes expanding the Disposition Flag (Schedule H.1, Corporate, Item 98, and Schedule H.2, CRE, item 61) and Credit Facility Type (Schedule H.1, Corporate, Item 20) to include an option for commitment to commit. These changes would allow respondents to report, and the Board to identify, commitments to commit.

Firms also noted there could be potential inconsistencies across respondents in the reporting of utilized exposures under the current instructions because the instructions do not explicitly state that Utilized Exposure/Outstanding Balance should be net of deferred fees and costs. To create consistency in reporting and to align with GAAP accounting standards, the Board proposes modifying the Utilized Exposure/Outstanding Balance (Schedule H.1, Corporate, item 25 and Schedule H.2, CRE, item 3) and Committed Exposure (Schedule H.1, Corporate, item 24 and Schedule H.2, CRE, item 5) items to explicitly state these items are net of deferred fees and costs. This change would enable the calculation of par as this field and fair value adjustment definitions would be

aligned and be consistent with the FR Y-9C.

The Board has also identified two other areas of the instructions for Schedule H (Wholesale) that require modification to align with existing standards or to address gaps in reporting. First, the Board proposes updating the instructions for the ASC 310-30 item (Schedule H.1, Corporate, item 31 and Schedule H.2, CRE, item 47) to be consistent with purchase credit impaired (PCI) accounting standards and terminology. While the ASC 310-30 field already exists, the instructions, as currently written, are not clear, and the proposed changes should improve consistency of reporting and availability of information regarding PCIs with minimal additional burden.

Finally, the Board proposes modifying the Participation Flag field (Item 7) on Schedule H.2 (CRE) to be mandatory rather than optional. The Participation Flag indicates if a CRE loan is participated or syndicated among other financial institutions and if it is part of the Shared National Credit Program. Currently, the item Participation Interest (Item 59) on Schedule H.2 (CRE) is mandatory, but the Participation Flag is optional, which leads to gaps in reporting of information regarding these loans and an inability to match loans across institutions. Changing the Participation Flag field to mandatory would also align with the treatment of these items on the FR Y-14Q, Schedule H.1 (Corporate). Almost all reporting firms already choose to report the participation flag field. Therefore, the Board expects the information is readily available and the overall impact of this change should be minimal in terms of the information reported by most firms.

FR Y-14Q, Schedule J (FVO/HFS)

Effective with the FR Y-14 reports as of September 30, 2017, the Board proposes modifying the instructions for the FR Y-14Q, Schedule J, Table 1, item 7, Credit Card Loans (Not in Forward Contracts) by expanding the scope of the definition for this item. Currently, this line item includes the unpaid principal balance (column A) and carrying value (column B) for extensions of credit to individuals for household, family, and other personal expenditures arising from credit cards, as defined in the FR Y-9C, Schedule HC-C, item 6.a. Although small and medium enterprise (SME) and corporate cards are not broken out or separately defined on the FR Y-9C, they are broken out and separately defined across several schedules of the FR Y14 reports, creating a reporting gap. The proposed change would expand the scope of the

FR Y-14Q, Schedule J, Table 1, item 7, to include the unpaid principal balance and carrying value of SME and corporate cards, as defined in the FR Y-14Q, Schedule M.1 (Balances). To the extent that Schedule J, Table 2 references definitions associated with Table 1, the change in definition would apply to Table 2 as well.

In addition to these substantive changes to the instructions, the Board proposes incorporating clarifying changes to other line items in Schedule J to address typographical errors and eliminate some unnecessary language as outlined in the draft instructions associated with this proposal.

FR Y-14Q, Schedule L (Counterparty)

The Board proposes several changes to the FR Y-14Q, Schedule L (Counterparty) as outlined below. All of the changes would be effective with the September 30, 2017, report date. These modifications include changing the ranking methodology of information collected on certain sub-schedules, consolidating certain existing tables, and collecting new information. Although the collection of new information creates additional burden on respondents, the Board anticipates these changes would enhance supervisory modeling by allowing for the reporting of more detailed, consistent information and would facilitate a more effective collection of the counterparty exposures in XML since its transition in 2016.

Two changes would seek to simplify the ranking required for reporting positions and address questions and feedback received regarding ranking methodology. First, the ranking methodologies for Schedules L.5 (Counterparty—Securities transactions profile, top 25 counterparties) and L.6 (Counterparty—Derivatives profile, top 25 counterparties) would be modified to require the top 25 counterparties to be reported as ranked by gross current exposure and net current exposure for the four quarterly unstressed submissions to simplify the ranking required. The ranking for the stressed/CCAR submission would remain unchanged. Second, the currently separate collections of counterparties as ranked by derivatives and securities financing transactions (SFTs), respectively, would be combined to be one collection of counterparties that would be reported according to all ranking methodologies to simplify the reporting structure. The schedules with asset category-level information, L.5.2 (Counterparty—SFT assets) and L.6.2 (Counterparty—Derivative assets), would remain in their current structure.

Consistent with the change proposed to the FR Y-14A, Schedule A.5 (Counterparty), additional or offline CVA reserves would be required to be reported according to five reserve type categories, notably FVA, on the FR Y-14Q, Schedule L.1e (Counterparty—Aggregate derivative data by ratings and collateral), similar to information previously collected on an ad hoc basis.

Finally, the proposal would require the reporting of notional amounts and weighted-average time to maturity for positions included on Schedules L.1 (Counterparty—Derivatives profile, by counterparty & aggregated across counterparties) and L.6 (Counterparty—Derivatives profile, top 25 counterparties). This information would support firm-provided unstressed and stressed reported exposure amounts.

FR Y-14Q, Schedule M (Balances)

In line with the changes to the FR Y-14Q, Schedule A.3 (Retail—International Credit Cards), the Board proposes modifying the instructions and the form for the FR Y-14Q, Schedule M (Balances). The proposal would update the FR Y-9C references in certain FR Y-14 items to align these items with the reporting of charge cards on the FR Y-9C report, in line with recently updated guidance regarding the reporting of charge cards. Specifically, the instructions for Schedule M.1 (Quarter-end Balances), line item 3.b (Charge cards) will be modified to also include charge card loans to consumers included in FR Y-9C, Schedule HC-C, line item 6.d (Other consumer loans) (where 6.d replaces 9.b.(2) (All other loans)). Similarly, on the form for Schedule M.2 (FR Y-9C Reconciliation), line item 3.b under Charge cards will be modified to reflect charge card loans reported in FR Y-9C, Schedule HC-C, line 6.d instead of line 9.b.(2).

Proposed Revisions to the FR Y-14M

The proposed revisions to the FR Y-14M consist of adding a line item to collect the RSSD ID (the unique identifier assigned to institutions by the Board) of any chartered national bank that is a subsidiary of the BHC and that is associated with a loan or portfolio reported, and add a line item to collect the month-ending balance for credit card borrowers. Both items would be effective for reports as of September 30, 2017. The actual burden associated with reporting the proposed items is expected to increase only minimally, as the OCC previously collected the two items from a limited number of firms and supplement the monthly retail schedules collected by the Board. The addition of the items would allow the

firms to submit a single monthly data set that both the Board and OCC could use rather than requiring separate, potentially overlapping reporting. This approach, which was recommended by a commenter to a proposed OCC data collection, would be less burdensome than requiring firms to revert to submitting multiple collections.¹³

Schedules A, B, D (First Lien, Home Equity, and Credit Card)

For reports as of September 30, 2017, the Board proposes adding an item to collect the RSSD ID (the unique identifier assigned to institutions by the Board) of any chartered national bank that is a subsidiary of the BHC and that is associated with a loan or portfolio reported on the FR Y-14M schedules. This identifier would allow for clearer mapping of exposures and understanding the sources of risk. It would also allow for segmentation of loans and portfolios by each national bank charter if a holding company owns multiple national bank charters.

Schedule D (Credit Card)

For the report as of September 30, 2017, the Board proposes breaking out the total outstanding balance reported on Schedule D (Credit Card) into two items: Cycle-Ending Balance (existing item 15) and Month-Ending Balance. Currently, the instructions request that firms report the total outstanding balance for the account at the end of the current month's cycle (*i.e.*, Cycle-Ending Balance). The total balance outstanding on the account as of the month-end reporting date is reported only if cycle ending balance is not available. The Board anticipates both cycle-end and month-end balances are readily available and maintained by firms and these items had previously been part of the credit card-related collection of the OCC. Collection of these two distinct items would distinguish between types of borrowers with varying risk characteristics and allow for a more detailed evaluation of company-run stress test results. The addition of the month-ending balance item would replace the Cycle Ending Balance Flag (item 16), which would be eliminated.

Board of Governors of the Federal Reserve System, June 6, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017-12009 Filed 6-8-17; 8:45 am]

BILLING CODE 6210-01-P

¹³ See 80 Fed. Reg. 35739.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Electronic Learning (E-Learning) Collaborative Resource Center for SV and IPV Prevention Practitioners

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (DHHS).

ACTION: Notice.

SUMMARY: The U.S. Centers for Disease Control and Prevention (CDC) is providing \$536,733 in funds.

DATES: Effective date is June 9, 2017.

ADDRESSES: Agency Contacts: CDC encourages inquiries concerning this announcement.

For programmatic technical assistance, contact: Pamela Brown, Project Officer, Department of Health and Human Services, Centers for Disease Control and Prevention, 4770 Buford Highway NE., Mailstop F-64, Atlanta, GA 30341, Telephone: (770) 488-1345, Email pbrown8@cdc.gov.

For financial, grants management, or budget assistance, contact: LaQuanda Lewis Grants Management Specialist, Department of Health and Human Services, CDC Procurement and Grants Office, 2920 Brandywine Road, MS K-70, Atlanta, GA 30341, Telephone (770) 488-2969, Email: LLewis@cdc.gov.

FOR FURTHER INFORMATION CONTACT: L.C. Browning (Office of Grants Services) (OGS), Technical Information Management Section (TIMS), ogstims@cdc.gov, 770-48-2700.

SUPPLEMENTARY INFORMATION:

Part I. Overview Information

This notice announces the Centers for Disease Control and Prevention's (CDC) intent to extend the funds to the California Coalition Against Sexual Assault with Rape Prevention and Education funds.

Federal Agency Name: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (DHHS).

Funding Opportunity Title: Electronic Learning (E-Learning) Collaborative Resource Center for SV and IPV Prevention Practitioners.

Announcement Type: Cooperative Agreement.

Agency Funding Opportunity Number: CDC-RFA-CE12-1204.

Catalog of Federal Domestic Assistance (CFDA) Number: 93.136 Injury Prevention and Control Research and State and Community Based Programs.

Dates: September 30, 2017 until January 30, 2019.

Executive Summary

The U.S. Centers for Disease Control and Prevention (CDC) is providing \$536,733 in funding through the CE12-1204, Electronic Learning (E-Learning) Collaborative Resource Center for Sexual Violence (SV) and Intimate Partner Violence (IPV) Prevention Practitioners Cooperative Agreement to the California Coalition Against Sexual Assault to offer online training and convene an Electronic Learning Collaborative (ELC) to enhance the capacity and skills of local, state, and national SV and IPV practitioners to develop, implement and evaluate SV and IPV prevention efforts.

Part II. Full Text

Funding Opportunity Description

(a) Background

Since September 30, 2012, the California Coalition Against Sexual Assault (CALCASA), through its national on-line e-learning project PreventConnect, has provided training and technical assistance to CDC's Rape Prevention Education (RPE) and DELTA FOCUS grantees and the broader IPV and SV prevention practice fields. CALCASA has developed the technical infrastructure and staff expertise to support multiple web-based platforms (webinars, podcasts, on-line trainings, wiki, etc.) to serve a large audience and disseminate the best available research and practice knowledge for IPV and SV prevention. This work strengthens the capacity and skills of local, state and national violence prevention practitioners. The current project period ends on Sept. 29, 2017, however, the CDC-funded SV and IPV projects that PreventConnect supports (RPE and DELTA FOCUS) continue beyond this project period end. The additional funds and 16-months extension for the cooperative agreement, CE12-1204 (CALCASA/PreventConnect) is critical and essential for the successful implementation and completion of the CDC CE13-1302 (Delta Focus) and CDC CE-14-1401 (Rape Prevention and Education Program) projects. The funding will: assure that the targeted audiences for the e-learning project will not experience an interruption of expert TA and Training support prior to the end of the current RPE and DELTA FOCUS project periods and allow for future SV and IPV new FOA/project periods to be aligned with one another more effectively and be developed with complementary goals, objectives and deliverables.

To address IPV, CDC has funded, since 2002, the Domestic Violence Prevention Enhancements and Leadership through Alliances (DELTA) program, which seeks to build the capacity of state coalitions addressing IPV to support IPV primary prevention efforts. To address SV, CDC has funded, since 1995, the Rape Prevention and Education (RPE) program, to address risk and protective factors to prevent first time perpetration and victimization of SV. Both DELTA and RPE have similar goals, to build capacity for primary prevention; utilization of the Public Health Approach, Socioecological Model, and evidence informed strategies. From 2005 to 2012, a State Sexual Assault Coalition was funded to provide support for CDC funded SV and IPV prevention grantees and nationwide practitioners through innovative online technology communication channels. In cooperation with CDC, they were able to develop and facilitate ongoing discussions where SV and IPV prevention practitioners had the opportunity to network, share ideas, discuss successes and challenges, and learn from each other.

Building prevention system capacity at the state health department and state coalition levels are critical in maintaining an infrastructure that supports prevention efforts. The E-Learning Collaborative provides an interactive environment via training, education, and dialogue for two separate sets of prevention grantees to collectively come together and share, learn, network, and reach the goal of peer based learning.

(b) CDC Project Description

The purpose of this Funding Registry Notice (FRN) is to provide funds for 16 months, beginning with fiscal year (FY) 2017, to: Continue offering web-based training that enhances skills and capacity of CDC SV and IPV prevention grantees to prevent SV and IPV; convene an E-Learning Collaborative among CDC funded SV and IPV prevention grantees that enhances training received; and build a broader network of national, state, and local SV and IPV prevention practitioners, regardless of funding sources, using multiple media channels, including interactive web conferences, podcasts, interactive listserv, and social media to share, connect, and enhance their skills and capacity to prevent SV and IPV.

Core Activities

1. Develop and conduct 3-4 training web conferences annually, in collaboration with CDC that are

interactive and have practical applications. Participants should be CDC funded SV and IPV prevention grantees and their partners, including state health departments, sexual assault coalitions and domestic violence coalitions. Training topics that meet the needs of SV and IPV grantees and are focused on improving primary prevention practices include but are not limited to:

- Using data and evidence to inform their prevention efforts,
- Working with stakeholders internal and external to their organizations to build prevention system capacity, and
- Implementing and evaluating prevention strategies that address risk and protective factors for SV and IPV.

2. Convene an E-Learning Collaborative for CDC funded SV and IPV prevention grantees and their partners, including state health departments, sexual assault coalitions and domestic violence coalitions. Peer based learning should be focused on topics that further support the skill-based training received through web conferences. Such topics may include:

- Individual and community level shared risk and protective factors,
- Indicators for evaluation that will promote prevention efforts and support building evidence based strategies,
- Building evaluation capacity at state and local levels,
- Building organizational capacity,
- Implementation of community change strategies or outer layer ecological approach strategies,
- Strategies related to social determinants of health.

These opportunities may include electronically convening sub-collaboratives or sub-groups by geographic location/region, resources, or by topical interests.

3. Develop and conduct 3–4 training web conferences annually, in collaboration with CDC, to address the needs of SV and IPV prevention practitioners at state, local and tribal agencies. Topics should be focused on SV and IPV primary prevention. Information provided to SV and IPV practitioners should be equally distributed between SV and IPV.

4. Develop and conduct podcasts that highlight SV and IPV primary prevention work in the field.

5. Develop and maintain an active email listserv where SV and IPV prevention practitioners can communicate and share about research, programs, practices and policies on SV and IPV primary prevention.

6. Use social media outlets to share, connect, and enhance SV and IPV primary prevention knowledge of

research, programs, practices and policies.

7. Actively recruit new SV and IPV prevention practitioners amongst CDC funded SV and IPV grantees, local, state, national and tribal SV and IPV agencies and organizations, public health partners and those working in underserved communities, to engage in web conferences, podcasts, interactive email listserv and social media activities.

Evaluation Activities

1. Develop and implement an evaluation plan with goals and objectives for the following evaluation activities with details on how the data will be shared with CDC 60 days after each assessment is completed, and how adjustments based on evaluation results will be made to activities and inform program improvement.

- Conduct a yearly assessment that describes how the training web conferences impact SV and IPV prevention grantees and their partners' prevention practices and behaviors, and user satisfaction.
- Conduct a yearly assessment of the extent to how skill based web conference training and peer based learning (E-Learning Collaborative) increased SV and IPV prevention grantees' capacity building for evaluation and prevention implementation.

Recipient Activities—Administrative

1. Establish and maintain collaborative relationships with national, state, local and tribal agencies and organizations working to prevent SV and IPV and with other CDC funded resource centers and initiatives.

2. Ensure dedicated and adequate staffing such as a full-time program manager and web master and provide resumes for key personnel.

3. Participate in conference calls, at least monthly, with CDC program staff and participate in CDC SV and IPV grantee meetings.

4. Ensure that all new online content and resources meet Section 508 compliance guidelines.

Award Information

Eligibility Information

The California Coalition Against Sexual Assault (CALCASA), through its national on-line e-learning project Prevent Connect, has provided training and technical assistance to CDC's Rape Prevention Education (RPE) and DELTA FOCUS grantees and the broader IPV and SV prevention practice fields. Under the propose program extension, the recipient has been identified as the

only and qualified institution to perform the required activities.

Required Registrations

Applicant must submit application package that includes the following: SF424 Mandatory Form, SF424A, Project Narrative, and detailed Budget Narrative. These forms are available on *Grants.gov* at <https://www.grants.gov/web/grants/forms/sf-424-mandatory-family.html#sortBy=1>. The application package must be submitted via GrantSolutions under Manage Amendments following the below steps:

1. Log into GrantSolutions
2. From the "My Grants List" screen, click the link Management Amendments
3. Click "New"
4. Click Create Amendment
5. Click "Edit Amendment" link to being working on the amendment
6. Upload the requested documents
7. Verify Submission and submit Amendment

If the applicant encounters technical difficulties with GrantSolutions, the applicant should contact the helpdesk. You can reach the GrantSolutions Helpdesk at 1-866-577-0771 or by email at help@grantsolutions.gov. Submissions sent by email, fax, CD's or thumb drives of applications will not be accepted.

Request Application Package: April 28, 2017.

Application Package: June 28, 2017.

Submission Dates and Times: June 28, 2017 11:59 p.m. U.S. Eastern Standard Time.

Project Abstract Summary

The Project Abstract must contain a summary of the proposed activity suitable for dissemination to the public. It should be a self-contained description of the project and should contain a statement of objectives and methods to be employed. It should be informative to other persons working in the same or related fields and insofar as possible understandable to a technically literate lay reader. This abstract must not include any proprietary/confidential information.

Project Narrative

A Project Narrative must be submitted with the application forms. The narrative must be submitted in the following format:

- Maximum number of pages: 25. If your narrative exceeds the page limit, only the first pages, which are within the page limit, will be reviewed.
- Font size: 12 point unredacted, Times New Roman.
- Double spaced.
- Page margin size: One inch.

- Number all narrative pages; not to exceed the maximum number of pages.

The narrative should address activities to be conducted over the entire project period and must include the following items in the order listed:

Background, Understanding and Relevant Experience

1. Describe your organization's understanding of sexual violence and intimate partner violence as public health issues.
2. Describe your organization's understanding of the purpose and objectives of this cooperative agreement, including collaboration in all aspects of the agreement with CDC program staff and other relevant partner organizations.
3. Describe your organizations experience in: Convening and maintaining an Advisory Council with diverse SV and IPV prevention practitioner representation, convening an E-Learning Collaborative, collaboration with CDC funded SV and IPV prevention grantees, and providing opportunities and multiple media channels for SV and IPV prevention practitioners to network, share and connect with each other.

Work Plan

1. Include goals and Specific, Measurable, Achievable, Realistic, Time-Bound (SMART) objectives.
2. Provide a detailed 16 months' work plan with timeline and logic model that describes how you plan to achieve your project's goals of offering web-based training that enhances skills and capacity of CDC SV and IPV prevention grantees to prevent SV and IPV; convening an e-learning collaborative among CDC funded SV and IPV prevention grantees that enhances training received; and building a broader network of national, state, and local SV and IPV prevention practitioners, regardless of funding sources, using multiple media channels, including interactive web conferences, podcasts, interactive listserv, and social media to share, connect, and enhance their skills and capacity to prevent SV and IPV.
3. Provide a detailed plan on how SV and IPV practitioner needs will be assessed and applied to the 3–4 training web conferences.
4. Indicate within the 16 month plan, with timeline and logic model, how you plan to achieve the following activities:
 - (a) Convene and maintain an Advisory Council that informs the overarching vision, direction, and goals of this FOA's activities. Advisory membership should include but is not

limited to representation from CDC; the recipient organization; other collaborative partners, and grantee/end users.

(b) Stay current on research, programs, practices, and policies related to the prevention of SV and IPV to support all required activities.

(c) Identify SV and IPV related materials on research, programs, practices and policies that have been translated for practical purposes and can be shared with CDC SV and IPV prevention grantees specifically and SV and IPV practitioners broadly to improve their prevention skills and practices.

(d) In collaboration with CDC, establish standards for choosing presenters and SV and IPV related materials on research, programs, practices, and policies.

(e) Develop and conduct 3–4 training web conferences annually, in collaboration with CDC that are interactive and have practical applications. Participants should be CDC funded SV and IPV prevention grantees and their partners, including state health departments, sexual assault coalitions and domestic violence coalitions. Training topics that meet the needs of SV and IPV grantees and are focused on improving primary prevention practices include but are not limited to:

(f) Using data and evidence to inform their prevention efforts,

(g) Working with stakeholders internal and external to their organizations to build prevention system capacity, and

(h) Implementing and evaluating prevention strategies that address risk and protective factors for SV and IPV.

(i) Convene an E-Learning Collaborative for CDC funded SV and IPV prevention grantees and their partners, including state health departments, sexual assault coalitions and domestic violence coalitions. Peer based learning should be focused on topics that further support the skill-based training received through web conferences. Such topics may include:

(j) Individual and community level shared risk and protective factors,

(k) Indicators for evaluation that will promote prevention efforts and support building evidence based strategies,

(l) Building evaluation capacity at state and local levels,

(m) Building organizational capacity,

(n) Implementation of community change strategies or outer layer ecological approach strategies,

(o) Strategies related to social determinants of health.

These opportunities may include electronically convening sub-collaboratives or sub-groups by geographic location/region, resources, or by topical interests.

(a) Foster peer based learning through online interactions and exchanges of ideas/information or posts by designated staff or approved facilitators, key stakeholders or experts during the first two years of the E-Learning Collaborative.

(b) Develop and conduct 3–4 training web conferences annually, in collaboration with CDC, to address the needs of SV and IPV prevention practitioners at state, local and tribal agencies. Topics should be focused on SV and IPV primary prevention. Information provided to SV and IPV practitioners should be equally distributed between SV and IPV.

(c) Develop and conduct podcasts that highlight SV and IPV primary prevention work in the field.

(d) Develop and maintain an active email listserv where SV and IPV prevention practitioners can communicate and share about research, programs, practices and policies on SV and IPV primary prevention.

(e) Use social media outlets to share, connect, and enhance SV and IPV primary prevention knowledge of research, programs, practices and policies.

(f) Actively recruit new SV and IPV prevention practitioners amongst CDC funded SV and IPV grantees, local, state, national and tribal SV and IPV agencies and organizations, public health partners and those working in underserved communities, to engage in web conferences, podcasts, interactive email listserv and social media activities.

(g) Establish and maintain collaborative relationships with national, state, local and tribal agencies and organizations working to prevent SV and IPV and with other CDC funded resource centers and initiatives.

(h) Ensure dedicated and adequate staffing such as a full-time program manager and web master and provide resumes for key personnel.

(i) Participate in conference calls, at least monthly, with CDC program staff and participate in CDC SV and IPV grantee meetings.

(j) Ensure that all new online content and resources meet Section 508 compliance guidelines. For details and resources on Section 508 compliance, see Attachment III.

5. Provide a detailed evaluation plan with goals and objectives for the following evaluation activities with details on how the data will be shared

with CDC 60 days after each assessment is completed, and how adjustments based on evaluation results will be made to activities and inform program improvement.

For CDC SV and IPV prevention grantees:

- Conduct a yearly assessment that describes how the training web conferences impact SV and IPV prevention grantees and their partners' prevention practices and behaviors, and user satisfaction.

- Conduct a yearly assessment of the extent to how skill based web conference training and peer based learning (E-Learning Collaborative) increased SV and IPV prevention grantees' capacity building for evaluation and prevention implementation.

For SV and IPV practitioners:

- Conduct an assessment that describes how the training web conferences impact SV and IPV practitioner's prevention practices and behaviors, and user satisfaction.

- An assessment to determine the number and diversity (*e.g.*, type of organization, population served, and location) of nationwide SV and IPV practitioner participants represented on the web conferences, podcasts, interactive listserv and/or social media and identify who is missing.

Collaboration and Partnerships

(a) Include original letters of support from CDC funded SV and IPV prevention grantees, and other appropriate organizations, individuals, institutions, academic institutions, public health departments, etc. needed to carry out proposed activities and the extent to which such letters clearly indicate the author's commitment to participate as described in the plan.

(b) Describe your organizations past collaborations and partnerships associated with sexual violence and intimate partner violence. Highlight goals and activities as well as successes and challenges.

(c) Describe your organization's commitment to collaborate with CDC in: the development of the E-Learning Collaborative Advisory Council; identifying the vision, direction and goals of the E-Learning Collaborative for SV and IPV prevention grantees; and designing web conferences that meet the needs of SV and IPV prevention grantees and other SV and IPV prevention practitioners.

(d) Describe your organization's commitment to collaborate with other funded partners and national, state, local and tribal agencies and organizations.

(e) Describe your organization's commitment to collaborate with CDC funded SV and IPV prevention grantees to be in compliance with the terms of the cooperative agreement and to accomplish all identified project activities.

Staffing Plan and Capacity

(a) Describe your organization's proposed staffing plan in support of this project. It is expected that funds available under this FOA are sufficient for staffing levels including time and effort for a full-time manager and experienced staff.

(b) Describe the qualifications and experience of proposed staff for this project and provide resumes for manager and other key staff.

(c) Demonstrate your organization has adequate resources, facilities, experience (both technical and administrative), and access to SV and IPV prevention grantees and other relevant partners to meet the goals and objectives of this FOA. This should include documentation of professional personnel involved are qualified and have prior successful experience and achievements related to the proposed activities.

(d) The application should include a description of your organization's infrastructure to support the requirements of this FOA as well as the quality and sufficiency of the proposed staffing of the project. Provide an organizational chart as an attachment.

Measures of Effectiveness

(a) Provide measures of effectiveness related to proposed project goals and objectives.

Budget. The budget and budget justification will be included as a separate attachment, not to be counted towards the page limit.

(a) Provide a detailed budget and line item justification for all operating and staffing expenses that are consistent with proposed program objectives and activities.

(b) Include budget for key project staff to attend the annual SV and IPV prevention grantee meetings.

(c) Specify any in-kind support for recipient activities.

(d) If requesting indirect costs in the budget, a copy of the most current active indirect cost rate agreement is required.

Additional information may be included in the application appendices. The appendices will not be counted toward the narrative page limit. This additional information includes:

- Curricula Vitae
- Job Descriptions
- Resumes

- Organizational Charts
- Letters of Support, etc.

Additional information submitted should be uploaded in a PDF file format, and should be named appropriately (*i.e.*, Curriculum vitae, Letters of Support, Indirect Cost Rate Agreement, etc.). No more than eight should be uploaded per application.

Additional requirements for additional documentation with the application are listed in Section VII. Award Administration Information, subsection entitled "Administrative and National Policy Requirements."

Funding Restrictions

Restrictions, which must be taken into account while writing the budget, are as follows:

- Recipients may not use funds for research.

- Recipients may not use funds for clinical care.

- Recipients may only expend funds for reasonable program purposes, including personnel, travel, supplies, and services, such as contractual.

- Awardees may not generally use HHS/CDC/ATSDR funding for the purchase of furniture or equipment. Any such proposed spending must be identified in the budget.

- The direct and primary recipient in a cooperative agreement program must perform a substantial role in carrying out project objectives and not merely serve as a conduit for an award to another party or provider who is ineligible.

- Reimbursement of pre-award costs is not allowed.

- Funding restrictions, which must be taken into account while writing your budget are as follows: cooperative agreement funds for this project cannot be used for construction, renovation, the lease of passenger vehicles, the development of major software application, or supplanting current applicant expenditures.

Review and Selection Process

A technical review will be conducted by the CDC Program Office. The technical review will cover technical and cost matters. The initial application received objective review to ensure recipient complies with all the activities required. Recipient was selected thru a competitive process during the initial FOA award.

Central Contractor Registration and Universal Identifier Requirements

All applicant organizations must obtain a DUN and Bradstreet (D&B) Data Universal Numbering System (DUNS) number as the Universal Identifier when

applying for Federal grants or cooperative agreements. The DUNS number is a nine-digit number assigned by Dun and Bradstreet Information Services. An Authorized Organization Representative (AOR) should be consulted to determine the appropriate number. If the organization does not have a DUNS number, an AOR should complete the US D&B D-U-N-S Number Request Form or contact Dun and Bradstreet by telephone directly at 1-866-705-5711 (toll-free) to obtain one. A DUNS number will be provided immediately by telephone at no charge. Note this is an organizational number. Individual Program Directors/Principal Investigators do not need to register for a DUNS number.

Additionally, all applicant organizations must register in the Central Contractor Registry (CCR) and maintain the registration with current information at all times during which it has an application under consideration for funding by CDC and, if an award is made, until a final financial report is submitted or the final payment is received, whichever is later. CCR is the primary registrant database for the Federal government and is the repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the CCR internet site at www.ccr.gov.

If an award is granted, the grantee organization must notify potential sub-recipients that no organization may receive a sub award under the grant unless the organization has provided its DUNS number to the grantee organization.

Dated: May 18, 2017.

Terrance Perry,

Director, Office of Grants Services, Centers for Disease Control and Prevention.

[FR Doc. 2017-11941 Filed 6-8-17; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS-10346, CMS-10036 and CMS-10437]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by August 8, 2017.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of the following:

1. Access CMS' Web site address at <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html>.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to Paperwork@cms.hhs.gov.

3. Call the Reports Clearance Office at (410) 786-1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786-4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS-10346 Appeals of Quality Bonus Payment Determinations

CMS-10036 IRF-PAI for the Collection of Data Pertaining to the Inpatient Rehabilitation Facility Prospective Payment System and Quality Reporting Program

CMS-10437 Generic Social Marketing & Consumer Testing Research

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. The term "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 requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Appeals of Quality Bonus Payment Determinations; *Use:* Section 1853(o) of the Social Security Act requires us to make Quality Bonus Payments (QBPs) to Medicare Advantage (MA) organizations that achieve performance rating scores of at least 4 stars under a five star rating system. MA organizations have 10 calendar days from the date of CMS' release of its QBP determinations to request a technical report from CMS explaining the development of their QBP status. The technical report is provided in writing by electronic mail to the MA organization. If, after reviewing the technical report, the MA organization believes that CMS was incorrect in its QBP determination, within 10 calendar days the MA

organization may request an appeal to be conducted by a hearing officer designated by CMS. The hearing officer's decision is final and binding on both the MA organization and CMS. The hearing officer is required to issue his/her decision on or before May 15 of the year preceding the year in which the contract for which the QBP to be applied will be offered. *Form Number:* CMS-10346 (OMB control number: 0938-1129); *Frequency:* Yearly; *Affected Public:* Private sector (Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 500; *Total Annual Responses:* 20; *Total Annual Hours:* 160. (For policy questions regarding this collection contact Sarah Gaillot at 410-786-4637).

2. Type of Information Collection
Request: Revision of a previously approved collection; *Title of Information Collection:* IRF-PAI for the Collection of Data Pertaining to the Inpatient Rehabilitation Facility Prospective Payment System and Quality Reporting Program *Use:* This instrument with its supporting manual is needed to permit the Secretary of Health and Human Services, and CMS, to implement Section 1886(j) of the Social Security Act, 42 U.S.C. 1395ww(j), as enacted by § 4421 of the Balanced Budget Act of 1997 (BBA), Pub. L. 105-33. The statute requires the Secretary to develop a prospective payment system for inpatient rehabilitation facility services for the Medicare program. This payment system is to cover both operating and capital costs for inpatient rehabilitation facility services. It applies to inpatient rehabilitation hospitals as well as rehabilitation units of acute care hospitals, both of which are exempt from the current PPS for inpatient hospital services. CMS implemented the inpatient rehabilitation facility prospective payment system for cost reporting periods beginning on or after January 1, 2002.

Since October 1, 2012, the IRF-PAI has also been used to collect quality measure data, using data items in the Quality Indicator section, as required by Section 1886(j)(7) of the Social Security Act added by section 3004 of the Patient Protection and Affordable Care Act. The statute requires the Secretary to establish a quality reporting program for inpatient rehabilitation facilities (IRFs), which was established in the FY 2012 IRF PPS final rule (76 FR 47873 through 47883. Further, section 1886(j)(7)(A)(i) of the Act requires the Secretary to reduce the increase factor with respect to a fiscal year by 2 percentage points for any IRFs that do not submit data to the Secretary in accordance with

requirements established by the Secretary for that fiscal year, beginning in fiscal year 2014.

Section 2(a) of the Improving Medicare Post-Acute Care Transformation Act of 2014 (IMPACT Act) (Pub. L. 113-185, enacted on Oct. 6, 2014), requires that the Secretary specify not later than the applicable specified application date, as defined in section 1899B(a)(2)(E), quality measures on which IRF providers are required to submit standardized patient assessment data described in section 1899B(b)(1) and other necessary data specified by the Secretary. Section 1899B(c)(2)(A) requires, to the extent possible, the submission of the such quality measure data through the use of a PAC assessment instrument and the modification of such instrument as necessary to enable such use; for IRFs, this requirement refers to the Inpatient Rehabilitation Facility—Patient Assessment Instrument (IRF-PAI).

Since October 1, 2015, there have been numerous updates to the IRF-PAI. Some of the changes were subject to the Paperwork Reduction Act and some are exempt under the IMPACT Act. This information collection includes a summary of those revisions. *Form Number:* CMS-10036 (OMB control number: 0938-0842); *Frequency:* Annually; *Affected Public:* Private Sector; Business or other for-profits and Not-for-profit institutions, State, Local or Tribal Governments and Federal Government; *Number of Respondents:* 1,137; *Total Annual Responses:* 402,311; *Total Annual Hours:* 227,151. (For policy questions regarding this collection contact Charles Padgett at 410-786-2811.)

3. Type of Information Collection
Request: Extension of a currently approved collection; *Title of Information Collection:* Generic Social Marketing & Consumer Testing Research; *Use:* The purpose of this submission is to extend the approval of the generic clearance for a program of consumer research aimed at a broad audience of those affected by CMS programs including Medicare, Medicaid, Children's Health Insurance Program (CHIP), and health insurance exchanges. This program extends strategic efforts to reach and tailor communications to beneficiaries, caregivers, providers, stakeholders, and any other audiences that would support the Agency in improving the functioning of the health care system, improve patient care and outcomes, and reduce costs without sacrificing quality of care. The information collected will be used to create a streamlined and proactive process for collection of data

and utilizing the feedback on service delivery for continuous improvement of communication activities aimed at diverse CMS audiences.

The generic clearance will allow rapid response to inform CMS initiatives using a mixture of qualitative and quantitative consumer research strategies (including formative research studies and methodological tests) to improve communication with key CMS audiences. As new information resources and persuasive technologies are developed, they can be tested and evaluated for beneficiary response to the materials and delivery channels. Results will inform communication development and information architecture as well as allow for continuous quality improvement. The overall goal is to maximize the extent to which consumers have access to useful sources of CMS program information in a form that can help them make the most of their benefits and options

The activities under this clearance involve social marketing and consumer research using samples of self-selected customers, as well as convenience samples, and quota samples, with respondents selected either to cover a broad range of customers or to include specific characteristics related to certain products or services. All collection of information under this clearance will utilize a subset of items drawn from a core collection of customizable items referred to as the Social Marketing and Consumer Testing Item Bank. This item bank is designed to establish a set of pre-approved generic question that can be drawn upon to allow for the rapid turn-around consumer testing required for us to communicate more effectively with our audiences. The questions in the item bank are divided into two major categories. One set focuses on characteristics of individuals and is intended primarily for participant screening and for use in structured quantitative on-line or telephone surveys. The other set is less structured and is designed for use in qualitative one-on-one and small group discussions or collecting information related to subjective impressions of test materials. Results will be compiled and disseminated so that future communication can be informed by the testing results. We will use the findings to create the greatest possible public benefit. *Form Number:* CMS-10437 (OMB control number: 0938-1247); *Frequency:* Yearly; *Affected Public:* Individuals; *Number of Respondents:* 41,592; *Number of Responses:* 28,800; *Total Annual Hours:* 21,488. (For policy questions regarding this collection

contact Allyssa Allen at 410-786-8436126.)

Dated: June 6, 2017.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017-12005 Filed 6-8-17; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[CFDA Number: 93.676]

Announcement of the Award of 48 Single-Source Low-Cost Extension Supplement Grants Within the Office of Refugee Resettlement's Unaccompanied Alien Children's (UAC) Program

AGENCY: Office of Refugee Resettlement (ORR), Administration for Children and

Families (ACF), U.S. Department of Health and Human Services (HHS).

ACTION: Notice of Award of 48 single-source low-cost extension supplement grants under the Unaccompanied Alien Children's (UAC) Program.

SUMMARY: ACF, ORR, announces the award of 48 single source low-cost extension supplement grants for a total of \$110,480,457 under the Unaccompanied Alien Children's (UAC) Program.

DATES: Low-cost extension supplement grants will support activities from October 1, 2016, through December 31, 2016, for 46 grantees and October 1, 2016, through March 31, 2017, for two grantees.

FOR FURTHER INFORMATION CONTACT:

Jalyn Sualog, Director, Division of Unaccompanied Children's Operations, Office of Refugee Resettlement, 330 C Street SW., Washington, DC 20201.

Email: DCSProgram@acf.hhs.gov.
Phone: 202-401-4997.

SUPPLEMENTARY INFORMATION: The following supplement grants will support the immediate need for additional capacity of shelter services to accommodate the prior increase in number of UACs referred by DHS into ORR care. This increase in the UAC population necessitated the need for expansion of services to expedite the release of UAC. In order to be prepared for an increase in referrals for shelter services, ORR solicited proposals from grantees to accommodate the extensive amount of referrals from DHS.

Location	Grantee	Amount
U.S. Multi-City	BCFS Health and Human Services	\$3,413,200
U.S. Multi-City	Southwest Key, Inc	1,036,081
U.S. Multi-City	United States Conference of Catholic Bishops	706,881
U.S. Multi-City	Crittenton	298,324
	Children's Village	286,202
U.S. Multi-City	MercyFirst	122,186
U.S. Multi-City	United States Committee for Refugee and Immigrants	1,575,161
U.S. Multi-City	His House, Inc	69,214
U.S. Multi-City	Heartland	330,046
U.S. Multi-City	Lutheran Immigration and Refugee Service	804,135
Staunton, VA	Shenandoah	980,112
Lincolndale, NY	Lincoln Hall	3,800,000
San Antonio, TX	St. Peter-St. Joseph Children's Home	1,704,925
Corpus Christi, TX	Upbring	643,276
Chicago, IL	Heartland Human Care, Inc	7,764,682
Chicago, IL	Heartland Human Care, Inc	693,934
National	United States Conference of Catholic Bishops	1,505,823
Mesa, AZ	A New Leaf	736,736
La Verne, CA	David & Margaret	1,539,365
Fullerton, CA	Florence Crittenton	3,018,997
Manvel, TX	Shiloh	1,273,395
Houston, TX	Catholic Charities Houston-Galveston	1,670,956
Miami, FL	His House	2,202,796
Corpus Christi, TX	Upbring	3,134,996
U.S. Multi-City	BCFS Health and Human Services (102)	24,469,448
National	Lutheran Immigration and Refugee Service	4,303,231
Alexandria, VA	Juvenile Detention Commission for Northern Virginia	631,569
Seattle, WA	Youth Care	384,560
Portland, OR	Morrison Child and Family Services	2,622,674
Phoenix, AZ	Tumbleweed Child and Family Services	525,600
Philadelphia, PA	KidsPeace	2,471,157
San Antonio, TX	BCFS Health and Human Services (110)	479,610
San Antonio, TX	Seton Home	804,614
Fairfield, CA	BCFS Health and Human Services (112)	937,867
Bristow, VA	Youth for Tomorrow	2,327,600
Bristow, VA	Youth for Tomorrow	657,800
Woodland, CA	Yolo County	699,306
Miami, FL	Catholic Charities Boystown	1,312,947
San Antonio, TX	BCFS Health and Human Services (116)	2,190,001
San Antonio, TX	BCFS Health and Human Services (116)	864,000
Bronx, NY	Cardinal McCloskey	439,392
Syosset, NY	Mercy First	1,528,461
Kingston, NY	Children's Home of Kingston	435,312
New York, NY	Lutheran Social Services of Metropolitan New York	1,095,782

Location	Grantee	Amount
New York, NY	Cayuga Home for Children DBA Cayuga Centers	5,404,388
New York, NY	Cayuga Home for Children DBA Cayuga Centers	1,052,501
New York, NY	Catholic Guardian Services	1,664,514
Yonkers, NY	Leake and Watts Services, Inc	1,804,974
Yonkers, NY	Leake and Watts Services, Inc	473,826
U.S. Multi-City	Southwest Keys, Inc	10,257,820
U.S. Multi-City	Southwest Keys, Inc	1,330,080

ORR is continuously monitoring its capacity to provide post-release services to the unaccompanied alien children in HHS custody. ORR has specific requirements for the provision of services. Award recipients must have the infrastructure, licensing, experience, and appropriate level of trained staff to meet those requirements. The expansion of the existing post-release services program through this supplemental award is a key strategy for ORR to be prepared to meet its responsibility of safe and timely release of Unaccompanied Alien Children referred to its care by DHS and so that the US Border Patrol can continue its vital national security mission to prevent illegal migration, trafficking, and protect the borders of the United States.

Statutory Authority: This program is authorized by—

(A) Section 462 of the Homeland Security Act of 2002, which in March 2003, transferred responsibility for the care and custody of Unaccompanied Alien Children from the Commissioner of the former Immigration and Naturalization Service (INS) to the Director of ORR of the Department of Health and Human Services (HHS).

(B) The Flores Settlement Agreement, Case No. CV85–4544RJK (C.D. Cal. 1996), as well as the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Pub. L. 110–457), which authorizes post release services under certain conditions to eligible children. All programs must comply with the Flores Settlement Agreement, Case No. CV85–4544–RJK (C.D. Cal. 1996), pertinent regulations and ORR policies and procedures.

Elizabeth Leo,

Grants Policy Specialist, Division of Grants Policy, Office of Administration, Administration for Children and Families.

[FR Doc. 2017–11940 Filed 6–8–17; 8:45 am]

BILLING CODE 4184–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–2901]

Medical Devices; Validated Instructions for Use and Validation Data Requirements for Certain Reusable Medical Devices in Premarket Notifications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that it is necessary for manufacturers of certain reusable medical devices to include in their premarket notifications (510(k)s) instructions for use which have been validated and validation data regarding cleaning, disinfection, and sterilization, for which a substantial equivalence determination may be based. This notice includes a list of these reusable devices that will require validated instructions for use and validation data in their premarket notification. FDA is publishing this list in accordance with the requirements established by the 21st Century Cures Act. This action ensures that the premarket requirements for these device types are clear and predictable which facilitates more efficient review of these 510(k)s.

DATES: These actions are effective on August 8, 2017.

FOR FURTHER INFORMATION CONTACT:

Constance Soves, Food and Drug Administration, Center for Devices and Radiological Health, 10903 New Hampshire Ave., Bldg. 66, Rm. 1437, Silver Spring, MD 20993–0002, 301–796–6951.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 301 *et seq.*), as amended, established a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the FD&C Act (21 U.S.C. 360c) establishes three categories (classes) of devices, based on the

regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval).

Devices introduced into interstate commerce for the first time on or after May 28, 1976 (generally referred to as post-amendments devices), are classified automatically by statute (section 513(f) of the FD&C Act) into class III without any FDA rulemaking process. These devices remain in class III and require premarket approval, unless FDA initiates one of the following procedures: (1) FDA reclassifies the device into class I or II; (2) FDA issues an order classifying the device into class I or II in accordance with section 513(f)(2) of the FD&C Act; or (3) FDA issues an order finding the device to be substantially equivalent, under section 513(i), to a predicate device that is already legally marketed. The Agency determines whether new devices are substantially equivalent to predicate devices through review of premarket notifications under section 510(k) of the FD&C Act (21 U.S.C. 360(k)). Section 510(k) of the FD&C Act and its implementing regulations, codified in Title 21 of the Code of Federal Regulations (21 CFR part 807, subpart E), require persons who intend to market a new device that does not require a premarket approval application under section 515 of the FD&C Act (21 U.S.C. 360e) to submit a premarket notification report (510(k)) containing information that allows FDA to determine whether the new device is “substantially equivalent” within the meaning of section 513(i) of the FD&C Act to a legally marketed device that does not require premarket approval.

On December 13, 2016, the President signed into law the 21st Century Cures Act (Pub. L. 114–255) (Ref. 1). Section 3059 of the 21st Century Cures Act, in part, amends section 510 of the FD&C Act to require FDA to publish in the **Federal Register** a notice identifying a list of reusable device types that must include validated instructions for use and validation data regarding cleaning, disinfection, and sterilization in their 510(k) submissions. This section also

provides that a 510(k) submission for a reusable device may not be substantially equivalent to a predicate device if the validated instructions for use and reprocessing validation data submitted as part of the 510(k) are inadequate.

Manufacturers of reusable medical devices are responsible for having labeling that bears adequate directions for use, including instructions on preparing a device for use under 21 CFR 801.5 and 801.109. However, in recent years, there have been significant changes in knowledge and technology involved in reprocessing reusable medical devices. Additionally, there has been an evolution towards more complex reusable medical device designs that are more difficult to clean, disinfect, and sterilize. FDA believes reusable devices must be designed for adequate reprocessing and safe reuse, with comprehensive and clear instructions for effective reprocessing procedures for use by health care facilities that reprocess these devices.

II. Requirements for Validated Reprocessing Instructions and Reprocessing Validation Data for Reusable Medical Devices

A reusable medical device is one intended for repeated use either on the

same or different patients, with appropriate cleaning and other reprocessing steps between uses. FDA has issued recommendations for reprocessing reusable devices in relevant documents, including the FDA guidance “Reprocessing Medical Devices in Health Care Settings: Validation Methods and Labeling,” as information on the reprocessing validation methods necessary to be reported in a 510(k) submission (Ref. 2). FDA expects specific required validation data regarding cleaning, disinfection, and sterilization to be included in 510(k) submissions for certain reusable medical device types as outlined in tables 1 and 2 below.

FDA believes that a majority of manufacturers for the reusable devices listed below are already conducting validation of their reprocessing instructions because FDA already has provided recommendations for reprocessing validation in relevant FDA documents. Sponsors of new 510(k) notifications for reusable devices identified in the tables below must also include validation data regarding cleaning, disinfection, and sterilization, in addition to all the other required elements of a 510(k) identified in 21 CFR 807.87, starting on August 8, 2017.

III. List of Certain Reusable Medical Devices and Design Features

The 21st Century Cures Act (section 3059) requires the Agency to identify and publish a list of reusable device types that are required to include “instructions for use” and “validation data” regarding cleaning, disinfection, and sterilization in 510(k) notifications. Accordingly, FDA is publishing the list in table 1 that identifies those reusable medical devices that FDA has determined pose a greater likelihood of microbial transmission and represent a high risk of infection (subclinical or clinical) if they are not adequately reprocessed.

FDA believes arthroscopes, laparoscopic instruments, and electro-surgical instruments, and their respective accessories with specific design features, identified in table 2, may pose a challenge to adequate reprocessing. 510(k) notifications for such devices that incorporate any of the design features listed in table 2 must include validated reprocessing instructions and reprocessing validation data reports, and if such are determined to be inadequate, FDA will find the device not substantially equivalent.

TABLE 1—REUSABLE DEVICES THAT REQUIRE VALIDATION DATA AND VALIDATED REPROCESSING INSTRUCTIONS BE INCLUDED IN 510(K) NOTIFICATION AND UPON WHICH FDA WILL DETERMINE SUBSTANTIAL EQUIVALENCE

Device type	Product code	Device name	21 CFR section
Bronchoscopes (flexible or rigid) and accessories	EOQ	Bronchoscope (flexible or rigid)	21 CFR 874.4680
	PSV	Ultrasound bronchoscope	21 CFR 892.1550
	KTI	Bronchoscope accessory	21 CFR 874.4680
	BTG	Brush, biopsy, bronchoscope (non-rigid)	21 CFR 874.4680
	JEI	Claw, foreign body, bronchoscope (non-rigid)	21 CFR 874.4680
	JEL	Curette, biopsy, bronchoscope (rigid)	21 CFR 874.4680
	BST	Curette, biopsy, bronchoscope (non-rigid)	21 CFR 874.4680
	BWH	Forceps, biopsy, bronchoscope (non-rigid)	21 CFR 874.4680
	JEK	Forceps, biopsy, bronchoscope (rigid)	21 CFR 874.4680
	ENZ	Telescope, laryngeal-bronchial	21 CFR 874.4680
	KTR	Tube, aspirating, bronchoscope (rigid)	21 CFR 874.4680
JEJ	Tubing, Instrumentation, bronchoscope (brush sheath A/O aspirating).	21 CFR 874.4680	
Ear, Nose, and Throat (ENT) endoscopes and accessories.	EOX	Esophagoscope (flexible or rigid)	21 CFR 874.4710
	GCL	Esophagoscope, general & plastic surgery	21 CFR 876.1500
	FDW	Esophagoscope, rigid, gastro-urology	21 CFR 876.1500
	EOB	Nasopharyngoscope (flexible or rigid)	21 CFR 874.4760
	EQN	Laryngoscope, nasopharyngoscope	21 CFR 874.4760
	EWY	Mediastinoscope, surgical, and accessories	21 CFR 874.4720
Gastroenterology and Urology Endoscopes that have elevator channels (not including accessories). [e.g., duodenoscopes used for endoscopic retrograde cholangiopancreatography (ERCP)].	FDT	Duodenoscope and accessories, flexible/rigid	21 CFR 876.1500
	FAK	Panendoscope (gastroduodenoscope)	21 CFR 876.1500
	ODF	Mini endoscope, gastroenterology-urology	21 CFR 876.1500
Automated Reprocessors for Reusable Devices	FEB	Accessories, cleaning, for endoscopes	21 CFR 876.1500
	NZA	Accessories, germicide, cleaning, for endoscopes	21 CFR 876.1500
	OJJ	High level disinfection reprocessing instrument for ultrasonic transducers, mist.	21 CFR 892.1570
	NVE	Washer, cleaner, automated, endoscope	21 CFR 876.1500
	PSW	High level disinfection reprocessing instrument for ultrasonic transducers, liquid.	21 CFR 892.1570

TABLE 1—REUSABLE DEVICES THAT REQUIRE VALIDATION DATA AND VALIDATED REPROCESSING INSTRUCTIONS BE INCLUDED IN 510(k) NOTIFICATION AND UPON WHICH FDA WILL DETERMINE SUBSTANTIAL EQUIVALENCE—Continued

Device type	Product code	Device name	21 CFR section	
Other Flexible Gastroenterology and Urology Endoscopes ¹ (not including accessories).	FDF	Colonoscope and accessories, flexible/rigid	21 CFR 876.1500	
	FBN	Choledochoscope and accessories, flexible/rigid	21 CFR 876.1500	
	FDA	Enteroscope and accessories	21 CFR 876.1500	
	FDS	Gastroscope and accessories, flexible/rigid	21 CFR 876.1500	
	FAJ	Cystoscope and accessories, flexible/rigid	21 CFR 876.1500	
	FGB	Ureterscope and accessories, flexible/rigid	21 CFR 876.1500	
	ODG	Endoscopic ultrasound system, gastroenterology-urology	21 CFR 876.1500	
	Neurological endoscopes (not including accessories)	GWG	Endoscope, neurological	21 CFR 882.1480
	Water-based heater-cooler systems for use in operating rooms.	DWC	Controller, Temperature, Cardiopulmonary Bypass	21 CFR 870.4250
		DWJ	System, Thermal Regulating	21 CFR 870.5900
System, Surgical, Computer Controlled Instrument ..	NAY	System, Surgical, Computer Controlled Instrument	21 CFR 876.1500	
Arthroscopes and accessories ²	HRX	Arthroscope	21 CFR 888.1100	
Laparoscopic instruments and accessories ²	GCJ	Laparoscope, general and plastic surgery	21 CFR 876.1500	
Electrosurgical instruments and accessories ²	GEI	Electrosurgical, cutting and coagulation and accessories	21 CFR 878.4400	

¹ For endoscopes that fall under these product codes, 510(k) submissions must include reprocessing validation data for those endoscopes which are flexible.

² For devices that fall under these product codes, 510(k) submissions must include reprocessing validation data if the device possesses any of the design features listed in table 2 below.

TABLE 2—DESIGN FEATURES WHICH MAY POSE A CHALLENGE TO ADEQUATE REPROCESSING FOR ARTHROSCOPES, LAPAROSCOPIC INSTRUMENTS, AND ELECTROSURGICAL INSTRUMENTS, AND THEIR RESPECTIVE ACCESSORIES

Lumens (especially lumens of flexible design, multiple internal lumens, lumens that are not freely accessible, bifurcated lumens, lumens with internal surfaces that are not smooth, have internal ridges or sharp angles, or are too small to permit a brush to pass through).

Hinges, depressions, joints with gaps, overlapping or butted joints that result in acute angles, or ribbed or otherwise "roughened" surfaces (e.g., jaws).

Interior device channels.

Sleeves surrounding rods, blades, activators, inserters, etc.

Shafts within lumens.

Adjacent device surfaces between which debris can be forced or caught during use.

O-rings.

Stopcocks/Valves.

Crevices.

Fittings with very close tolerances.

Clamps that cannot be fully opened for cleaning.

Small internal parts (e.g., springs, magnets, etc.) that may become soiled.

Ridges, articulations or grooves.

Rough, irregular, discontinuous surfaces that can entrap or retain soil.

Capillary gaps.

Luer locks.

Porous materials (smooth surfaces are desirable, where possible).

Junctions between insulating sheaths and activating mechanisms (as in certain laparoscopic instruments).

Dead-ended chambers.

Internal movable device components such as multiple cables.

Device features that may entrap debris that can later become aerosolized (e.g., through application of power, etc.).

Devices with these or other design features that cannot be disassembled for reprocessing.

The Agency believes that these devices currently have the greatest risk of infection transmission and inadequate performance if not adequately reprocessed. In the future, the Agency may reevaluate and revise both tables as it deems necessary.

IV. Paperwork Reduction Act of 1995

This notice refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in part 801 have been approved under

OMB control number 0910–0485 (medical device labeling); the collections of information in part 807, subpart E have been approved under OMB control number 0910–0120 (premarket notification); and the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073 (quality system regulation).

V. References

The following references are on display in the Division of Dockets Management (see ADDRESSES) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also

available electronically at <https://www.regulations.gov>. FDA has verified the Web site addresses, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

- 21st Century Cures Act, Public Law 114–255, available at <https://www.congress.gov/114/bills/hr34/BILLS-114hr34eah.pdf>.
- FDA's Guidance, Reprocessing Medical Devices in Health Care Settings: Validation Methods and Labeling, March 2015, available at <http://www.fda.gov/downloads/medicaldevices/deviceregulationandguidance/guidancedocuments/ucm253010.pdf>.

Dated: June 5, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017-12007 Filed 6-8-17; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Title V Maternal and Child Health Services Block Grant to States Program: Guidance and Forms for the Title V Application/Annual Report OMB No. 0915-0172—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR must be received no later than August 8, 2017.

ADDRESSES: Submit your comments to paperwork@hrsa.gov or mail the HRSA Information Collection Clearance Officer, Room 14N39, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email paperwork@hrsa.gov or call the HRSA Information Collection Clearance Officer at (301) 443-1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference, in compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995.

Information Collection Request Title: Title V Maternal and Child Health Services Block Grant to States Program: Guidance and Forms for the Title V Application/Annual Report, OMB No. 0915-0172—Revision

Abstract: HRSA is updating the *Title V Maternal and Child Health Services*

Block Grant to States Program: Guidance and Forms for the Title V Application/Annual Report. This guidance is used annually by the 50 states and 9 jurisdictions (hereafter state) in applying for Block Grants under Title V of the Social Security Act and in preparing the required annual report. The updates proposed by HRSA's Maternal and Child Health Bureau (MCHB) for this edition of the guidance are intended to reinforce the role of the state in developing a Title V Maternal and Child Health (MCH) Action Plan that addresses its priority needs. These proposed updates further refine the reporting structure and vision that was outlined in the previous edition. As such, they are intended to enable a state to articulate its Title V program activities and leadership efforts for serving the MCH population. The proposed updates to the guidance are informed by comments received from state Title V MCH program leaders, national MCH leaders, and other MCH stakeholders.

Specific updates to this edition of the *Title V Maternal and Child Health Services Block Grant to States Program: Guidance and Forms for the Title V Application/Annual Report* include the following:

(1) The performance measure framework has been maintained, but a state has added flexibility to determine the best combination of National Performance Measures (NPMs) and State Performance Measures (SPMs) for addressing its identified MCH priority needs. States will address each priority need by either a NPM or SPM.

(2) The required minimum number of NPMs to be selected by a state has been reduced from eight to five. States will select at least one NPM in each of the five population health domains, specifically: (1) Women/Maternal Health; (2) Perinatal/Infant Health; (3) Child Health; (4) Children with Special Health Care Needs (CSHCN); and (5) Adolescent Health.

(3) A sixth and optional domain, Cross-cutting and Systems Building, has been added to replace the Cross-cutting/Life Course domain. The three NPMs that were formerly included in the Cross-cutting/Life Course domain (*i.e.*, NPM #13A/B, NPM #14 A/B and NPM #15) have been incorporated into the relevant population health domain(s). No NPMs are included in the Cross-cutting and Systems Building domain; however, a state may choose to include a SPM in this domain if relevant to its priority needs.

(4) The focus on evidence-based or evidence-informed strategies and measures (ESMs) continues, with an

enhanced definition of "evidence-base" provided. Clarifying instructions and state examples of ESMs have been added.

(5) Expectations around state Title V reporting on family/consumer partnership have been clarified. These expectations include enhanced discussion of specific program activities, the impact they have on all sectors of the MCH population, and their demonstrated value in improving MCH outcomes.

(6) The narrative reporting requirements around services for CSHCN have been strengthened to allow each state to identify and define the components of its system of services. States are also encouraged to reflect on the impact of these services within the context of the identified priority needs and the measures selected for the State Action Plan.

(7) Further anticipated reductions to state burden have been incorporated through more streamlined narrative reporting, particularly between the State Overview, Needs Assessment, and State Action Plan sections; clearer descriptions of expected content in each of the narrative sections; and refined instructions for completing the data reporting forms. Notable among these updates is the restructuring of the State Action Plan narrative discussion to allow a Title V program greater flexibility in describing its public health framework (*e.g.*, life course model), leadership and partnership roles, cross-cutting strategies, and the leveraging of resources.

The full extent of the anticipated burden reduction will be realized over time as states become more familiar with the updated instructions and reporting requirements. The burden estimates presented in the table below are based on previous burden estimates and consultation with a few states.

Need and Proposed Use of the Information: Each year, states are required to submit an application/annual report for Federal funds for their Title V MCH Services Block Grant to States Program to HRSA's MCHB (Section 505(a) of Title V of the Social Security Act). In addition, each state is required to conduct a comprehensive needs assessment every 5 years. The information and instructions for the preparation and submission of this application/annual report are contained in the *Title V Maternal and Child Health Services Block Grant to States Program: Guidance and Forms for the Title V Application/Annual Report*.

Likely Respondents: Per section 505(a) of Title V of the Social Security Act, the MCH Block Grant application/annual

report must be developed by, or in consultation with, the state MCH Health agency.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This estimate includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and

maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

In fiscal year (FY) 2019 and FY 2020, states will submit an application/annual report without the 5-year needs

assessment summary for a total annual estimated burden of 7,080 hours. In FY 2021, states will submit an application/annual report with the 5-year needs assessment summary for a total estimated burden of 11,151 hours. As a result of the proposed revisions, average annual burden is projected to be reduced by approximately 700 hours.

Total Estimated Annualized Burden Hours:

Form name	Number of respondents	Number of responses per respondent	Total responses	Burden per response (in hours)	Total burden hours
Application and Annual Report without 5-Year Needs Assessment Summary	59	1	59	120	7,080
Application and Annual Report with 5-Year Needs Assessment Summary	59	1	59	189	11,151
Average Total Annual Burden	59	59	* 8,437

* Reflects the average of one Application/Annual Report with Needs Assessment Summary and two Application/Annual Reports without Needs Assessment Summary

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Jason E. Bennett,

Director, Division of the Executive Secretariat.

[FR Doc. 2017-12003 Filed 6-8-17; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Tribal Management Grant Program; Extension of Due Dates

AGENCY: Indian Health Service, HHS.

ACTION: Notice; extension of due dates.

SUMMARY: The Indian Health Service published a document in the **Federal Register** (FR) on May 1, 2017, for the Fiscal Year 2017 Tribal Management Grant Program. Several Key Dates have been modified.

FOR FURTHER INFORMATION CONTACT: Roselyn Tso, Acting Director, Office of Direct Service and Contracting Tribes, Indian Health Service, 5600 Fishers Lane, Mail Stop 08E17, Rockville, MD 20857, telephone: (301) 443-1104. (This is not a toll-free number.)

Correction

In the **Federal Register** of May 1, 2017, in FR Doc. 2017-08775, the following corrections are made:

On page 20353, in the first column, under the heading *Key Dates*, the correct *Application Deadline Date* should read as: "*Application Deadline Date:* June 30, 2017."

On page 20353, in the first column, under the heading *Key Dates*, the correct *Review Date* should read as: "*Review Date:* July 24-28, 2017."

On page 20353, in the first column, under the heading *Key Dates*, the correct *Signed Tribal Resolutions Due Date* should read as: "*Signed Tribal Resolutions Due Date:* June 30, 2017."

On page 20353, in the first column, under the heading *Key Dates*, the correct *Proof of Non-Profit Status Due Date* should read as: "*Proof of Non-Profit Status Due Date:* June 30, 2017."

Dated: June 2, 2017.

Chris Buchanan,

RADM, Assistant Surgeon General, USPHS, Acting Director, Indian Health Service.

[FR Doc. 2017-12010 Filed 6-8-17; 8:45 am]

BILLING CODE 4165-16-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Health Care and Behavioral Economics.

Date: June 30, 2017.

Time: 11:30 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2W200, 7201 Wisconsin Ave., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Isis S. Mikhail, MD, MPH, DRPH, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301-402-7704, MIKHAILI@MAIL.NIH.GOV.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: June 5, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-11945 Filed 6-8-17; 8:45 am]

BILLING CODE 4140-01-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-576-577 and 731-TA-1362-1367 (Preliminary)]

Cold-Drawn Mechanical Tubing From China, Germany, India, Italy, Korea, and Switzerland; Determinations

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of cold-drawn mechanical tubing from China, Germany, India, Italy, Korea, and Switzerland, provided for in subheadings 7304.31.30, 7304.31.60, 7304.51.10, 7304.51.50, 7306.30.50, and 7306.50.50 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (“LTFV”) and imports of cold-drawn mechanical tubing alleged to be subsidized by the governments of China and India.

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission’s rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission’s rules, upon notice from the Department of Commerce (“Commerce”) of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

¹The record is defined in sec. 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

Background

On April 19, 2017, ArcelorMittal Tubular Products, Shelby, Ohio; Michigan Seamless Tube, LLC, South Lyon, Michigan; PTC Alliance Corp., Wexford, Pennsylvania; Webco Industries, Inc., Sand Springs, Oklahoma; and Zekelman Industries, Inc., Farrell, Pennsylvania, filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV and subsidized imports of cold-drawn mechanical tubing from China and India and LTFV imports of cold-drawn mechanical tubing from Germany, Italy, Korea, and Switzerland. Accordingly, effective April 19, 2017, the Commission, pursuant to sections 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)), instituted countervailing duty investigation Nos. 701-TA-576-577 and antidumping duty investigation Nos. 731-TA-1362-1367 (Preliminary).

Notice of the institution of the Commission’s investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 25, 2017 (82 FR 19078). The conference was held in Washington, DC, on May 10, 2017, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made these determinations pursuant to sections 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on June 5, 2017. The views of the Commission are contained in USITC Publication 4700 (June 2017), entitled *Cold-Drawn Mechanical Tubing from China, Germany, India, Italy, Korea, and Switzerland: Investigation Nos. 701-TA-576-577 and 731-TA-1362-1367 (Preliminary)*.

By order of the Commission.

Issued: June 5, 2017.

Katherine M. Hiner,

Supervisory Attorney.

[FR Doc. 2017-11967 Filed 6-8-17; 8:45 am]

BILLING CODE 7020-02-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (17-035)]

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, 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.

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: Interested persons are invited to submit written comments regarding the proposed information collection to the National Aeronautics and Space Administration, 300 E Street SW., Washington, DC. Attention: Frances Teel, NASA Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Frances Teel, NASA Clearance Officer, NASA Headquarters, 300 E Street SW., JF0000, Washington, DC 20546, (202) 358-2225.

SUPPLEMENTARY INFORMATION:

I. Abstract

NASA is proposing construction of a Low Boom Flight Demonstration (LBFD) experimental aircraft, aka X-plane.

This information collection will enable NASA to pre-test methods to collect information from individuals to determine community response to the new, quieter sonic booms, prior to the start of flight testing the X-plane. No public exposure to any form of sonic boom will occur during the pre-testing phase.

The pre-test will be conducted by telephone interview. NASA wants to evaluate telephone surveys to assess prompt public response associated with experiencing low amplitude sonic booms over multiple, geographically dispersed communities. Responses will be voluntary.

The new X-plane is designed to produce low amplitude sonic booms. Ultimately, flight testing of the X-plane is intended to (1) demonstrate and validate the technology necessary for civil supersonic flights that create low amplitude sonic booms, and (2) assess

community response to the new, quieter, sonic booms.

II. Method of Collection

Telephone.

III. Data

Title: Pilot Testing of Telephone Interviewing Approaches to Assess Community Response to New, Quieter Boom Experiences.

OMB Number: 2700–XXXX.

Type of review: New information collection.

Affected Public: Individuals.

Estimated Number of Respondents: 5,000.

Estimated Time per Response: 3 minutes.

Estimated Total Annual Burden Hours: 250.

Estimated Total Annual Cost to Respondents: \$0.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (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 automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Frances Teel,

NASA PRA Clearance Officer.

[FR Doc. 2017–12000 Filed 6–8–17; 8:45 am]

BILLING CODE 7510–13–P

OFFICE OF NATIONAL DRUG CONTROL POLICY

Notification of a Public Teleconference 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 teleconference.

SUMMARY: ONDCP announces a meeting by teleconference of the President's Commission on Combating Drug Addiction and the Opioid Crisis. The

purpose of the meeting is to review a draft interim report that will be posted on ONDCP's Commission Web site listed below before the teleconference.

DATES: The teleconference will be held on Monday June 26, 2017 at 4:00 p.m. (Eastern time).

ADDRESSES: There will be no physical address. The public may call (866) 233–3841 (Access Code 425352) to listen. Please call five minutes before the start time. If you are part of an organization, please try to consolidate use to as few lines as possible.

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 wishing 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 on the teleconference. Requests to accommodate disabilities 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:

- Identify and describe the existing Federal funding used to combat drug addiction and the opioid crisis;
- 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: June 6, 2017.

Michael Passante,

Acting General Counsel, Designated Federal Officer.

[FR Doc. 2017–12023 Filed 6–8–17; 8:45 am]

BILLING CODE 3280–F5–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting; National Science Board

The National Science Board's Committee on Awards and Facilities (A&F), pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

DATES AND TIME: Friday, June 16, 2017 from 11:00 a.m.–12:00 p.m. EDT.

SUBJECT MATTER: Committee Chair's opening remarks; discussion of Information-Action Item Sequence; the Lead Reviewer Guide; the Portfolio Level Information in Facility Portal; and Committee Chair's closing remarks.

STATUS: Open.

LOCATION: This meeting will be held by teleconference at the National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. An audio link will be available for the public. Members of the public must contact the Board Office to request the public audio link by sending an email to nationalsciencebrd@nsf.gov at least 24 hours prior to the teleconference.

UPDATES AND POINT OF CONTACT: Please refer to the National Science Board Web site www.nsf.gov/nsb for additional information. Meeting information and updates (time, place, subject matter or status of meeting) may be found at <http://www.nsf.gov/nsb/notices/>. Point of contact for this meeting is: Elise Lipkowitz, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292-7000.

Chris Blair,

Executive Assistant to the NSB Office.

[FR Doc. 2017-12133 Filed 6-7-17; 4:15 pm]

BILLING CODE 7555-01-P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: Under the Paperwork Reduction Act of 1995, and as part of its continuing effort to reduce paperwork and respondent burden, the National Science Foundation (NSF) is inviting the general public and other Federal agencies to comment on this proposed continuing information collection. This is the second notice for public comment; the first was published in the *Federal Register* at 82 FR 14754 and no comments were received. NSF is forwarding the proposed submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at <http://www.reginfo.gov/public/do/PRAMain>.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Foundation, including whether the information will have practical utility; (b) the accuracy of the Foundation'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; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology.

DATES: Written comments on this notice must be received by July 10, 2017, to be assured consideration. Comments received after that date will be considered to the extent practicable. Send comments to address below.

FOR ADDITIONAL INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230; telephone (703) 292-7556; or send email to splimpto@nsf.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

NSF 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.

SUPPLEMENTARY INFORMATION:

Title of Collection: Medical Clearance Process for Deployment to the Polar Regions (specified regions in the Arctic and all locations in the Antarctic under the auspices of the U.S. Antarctic Program).

OMB Control No.: 3145-0177.

Type of Request: Intent to seek approval to renew an information collection for three years.

Abstract

Proposed Project: Presidential Memorandum No. 6646 (February 5, 1982) (available from the National Science Foundation, Office of Polar Programs, Suite 755, 4201 Wilson Boulevard, Arlington, VA 22230) sets forth the National Science Foundation's overall management responsibilities for the entire United States national program in Antarctica. Section 107(a) of Public Law 98-373 [July 31, 1984; amended as Public Law 101-609—November 16, 1990] [available from the National Science Foundation, Office of Polar Programs, Suite 755, 4201 Wilson Boulevard, Arlington, VA 22230] designates the National Science Foundation as the lead agency responsible for implementing Arctic research policy, and the Director of the National Science Foundation shall ensure that the requirements of section 108 are fulfilled.

NSF Form 1700, Medical Clearance Process for Deployment to the Polar Regions furnishes information to the NSF regarding the physical, dental, and mental health status for all individuals (except DoD-uniformed service personnel) who anticipate deploying to Antarctica under the auspices of the United States Antarctic Program or to

certain regions of the Arctic sponsored by the NSF/GEO/Office of Polar Programs. The information is used to determine whether an individual is physically and mentally suited to endure the extreme hardships imposed by the Arctic and Antarctic continents, while also performing specific duties as specified by their employers.

Respondents: All non-DoD uniformed personnel planning to deploy to U.S. stations in the Antarctic or to specified regions of the Arctic that are sponsored by the National Science Foundation's Office of Polar Programs.

The number of annual respondents: 3,500 to the Antarctic and 150 to the Arctic.

Estimated Total Annual Burden on Respondents: 36,500 hours.

Frequency of Responses: This form is submitted upon an individual's first deployment to Antarctica (below 60° South) or to specified regions of the Arctic and annually thereafter for the duration of the individual's deployments.

Dated: June 6, 2017.

Suzanne H. Plimpton,
Reports Clearance Officer.

[FR Doc. 2017-11999 Filed 6-8-17; 8:45 am]

BILLING CODE 7555-01-P

NEIGHBORHOOD REINVESTMENT CORPORATION

Annual Board of Directors Meeting; Sunshine Act

TIME AND DATE: 3:00 p.m., Monday, June 19, 2017.

PLACE: NeighborWorks America—Gramlich Boardroom, 999 North Capitol Street NE., Washington, DC 20002.

STATUS: Open (with the exception of Executive Sessions).

CONTACT PERSON: Jeffrey Bryson, EVP & General Counsel/Secretary, (202) 760-4101; jbryson@nw.org.

AGENDA:

- I. CALL TO ORDER
- II. Mission Moment
- III. Executive Session: Report from CEO
- IV. Executive Session: Internal Audit Report
- V. Approval of Minutes
- VI. Board Elections
- VII. Grants to Capital Corporations
- VIII. FY17 Budget Approval
- IX. ETMS
- X. CounselorMax
- XI. Management Program Background and Updates
- XII. Adjournment

The General Counsel of the Corporation has certified that in his

opinion, one or more of the exemptions set forth in 5 U.S.C. 552 (b)(2) and (4) permit closure of the following portion(s) of this meeting:

- Report from CEO
- Internal Audit Report

Jeffrey T. Bryson,

EVP & General Counsel/Corporate Secretary.

[FR Doc. 2017-12131 Filed 6-7-17; 4:15 pm]

BILLING CODE 7570-02-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72-20; NRC-2017-0136]

U.S. Department of Energy Idaho Operations Office; Three Mile Island Unit 2 Independent Spent Fuel Storage Installation; Renewal of Special Nuclear Materials License

AGENCY: Nuclear Regulatory Commission.

ACTION: License renewal application; receipt; opportunity to request a hearing and to petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received and is considering an application for the renewal of special nuclear materials (SNM) License No. SNM-2508, which currently authorizes the U.S. Department of Energy Idaho Operations Office (DOE-ID) to receive, possess, transfer, and store radioactive material from the Three Mile Island Unit 2 (TMI-2) reactor core in the TMI-2 independent spent fuel storage installation (ISFSI). The renewed license would authorize DOE-ID to continue to store the radioactive material in the TMI-2 ISFSI for an additional 20 years from March 19, 2019, the expiration date of the original license.

DATES: A request for a hearing or petition for leave to intervene must be filed by August 8, 2017.

ADDRESSES: Please refer to Docket ID NRC-2017-0136 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2017-0136. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: Carol.Gallagher@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT:

Kristina Banovac, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: (301) 415-7116; email: Kristina.Banovac@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC has received, by letter dated March 6, 2017, an application from DOE-ID for renewal of SNM License No. SNM-2508 for the TMI-2 ISFSI for an additional 20 years (ADAMS Accession Nos. ML17075A198 and ML17089A501). The license authorizes DOE-ID to receive, possess, transfer, and store radioactive material from the TMI-2 reactor core at the TMI-2 ISFSI, located at the Idaho National Laboratory within the perimeter of the Idaho Nuclear Technology and Engineering Center site in Scoville, Idaho. This license renewal, if approved, would authorize DOE-ID to continue to store radioactive material from the TMI-2 reactor core at the TMI-2 ISFSI, under the provisions of part 72 of title 10 of the *Code of Federal Regulations* (10 CFR), "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste." No additional radioactive material will be added to the ISFSI under the license renewal, if approved.

Following an NRC administrative completeness review, documented in a letter to DOE-ID dated May 5, 2017 (ADAMS Accession No. ML17125A284), the NRC has determined that the renewal application contains sufficient information for the NRC to begin its technical review and the application is

acceptable for docketing. The application has been docketed in Docket No. 72-20, the existing docket for SNM License No. SNM-2508. If the NRC approves the renewal application, the approval will be documented in the renewal of SNM License No. SNM-2508. The NRC will approve the license renewal application if it determines that the application meets the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. These findings will be documented in a safety evaluation report. The NRC will complete an environmental evaluation, in accordance with 10 CFR part 51, to determine if the preparation of an environmental impact statement is warranted or if an environmental assessment and finding of no significant impact are appropriate. This action will be the subject of a subsequent notice in the **Federal Register**.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1-F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the

specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by August 8, 2017. The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document, and should meet the requirements for petitions set forth in this section. Alternatively, a State, local governmental body,

Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC's Web site at <http://www.nrc.gov/site-help/e-submittals.html>. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at hearing.docket@nrc.gov, or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in

instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/getting-started.html>. Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at <http://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>, by email to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting

authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Dated at Rockville, Maryland, this 2nd day of June 2017.

For the Nuclear Regulatory Commission.
Michael C. Layton,
*Director, Division of Spent Fuel Management,
Office of Nuclear Material Safety and
Safeguards.*

[FR Doc. 2017-12022 Filed 6-8-17; 8:45 am]

BILLING CODE 7590-01-P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: RI 38-115, Representative Payee Survey

AGENCY: Office of Personnel
Management.

ACTION: 30-Day notice and request for
comments.

SUMMARY: The Retirement Services,
Office of Personnel Management (OPM)
offers the general public and other
federal agencies the opportunity to
comment on the revision of a currently
approved information collection request
(ICR), Representative Payee Survey, RI
38-115.

DATES: Comments are encouraged and
will be accepted until July 10, 2017.

ADDRESSES: Interested persons are
invited to submit written comments on
the proposed information collection to
the Office of Information and Regulatory
Affairs, Office of Management and
Budget, 725 17th Street NW.,
Washington, DC 20503, Attention: Desk
Officer for the Office of Personnel
Management or sent via electronic mail
to oir_submission@omb.eop.gov or
faxed to (202) 395-6974.

FOR FURTHER INFORMATION CONTACT: A
copy of this ICR, with applicable
supporting documentation, may be
obtained by contacting the Office of
Information and Regulatory Affairs,
Office of Management and Budget, 725
17th Street NW., Washington, DC 20503,
Attention: Desk Officer for the Office of
Personnel Management or sent via
electronic mail to oir_submission@omb.eop.gov or faxed to (202) 395-6974.

SUPPLEMENTARY INFORMATION: As
required by the Paperwork Reduction
Act of 1995, (Pub. L. 104-13, 44 U.S.C.
chapter 35) as amended by the Clinger-
Cohen Act (Pub. L. 104-106), OPM is
soliciting comments for this collection.
The information collection was
previously published in the **Federal
Register** on September 21, 2016 at 81 FR
180 allowing for a 60-day public
comment period. No comments were
received for this information collection
(OMB No. 3206-0208).

The purpose of this notice is to allow
an additional 30 days for public
comments. The Office of Management

and Budget is particularly interested in
comments that:

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 submissions
of responses.

Form RI 38-115 is used to collect
information about how the benefits paid
to a representative payee have been
used or conserved for the benefit of the
incompetent annuitant.

Analysis

Agency: Retirement Operations,
Retirement Services, Office of Personnel
Management.

Title: Representative Payee Survey.

OMB Number: 3206-0208.

Frequency: Annually.

Affected Public: Individual or
Households.

Number of Respondents: 11,000.

Estimated Time per Respondent: 20
minutes.

Total Burden Hours: 3,667.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017-12008 Filed 6-8-17; 8:45 am]

BILLING CODE 6325-38-P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2017-143 and CP2017-202]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a
recent Postal Service filing for the
Commission's consideration concerning
negotiated service agreements. This
notice informs the public of the filing,
invites public comment, and takes other
administrative steps.

DATES: *Comments are due:* June 13,
2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment

deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).*: MC2017-143 and CP2017-202; *Filing Title*: Request of the United States Postal Service to Add Priority Mail Contract 327 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date*: June 5, 2017; *Filing Authority*: 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*; *Public Representative*: Max E. Schnidman; *Comments Due*: June 13, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,
Secretary.

[FR Doc. 2017-12006 Filed 6-8-17; 8:45 am]

BILLING CODE 7710-FW-P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* June 9, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202-268-3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 2, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 324 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2017-139, CP2017-198.

Stanley F. Mires,
Attorney, Federal Compliance.

[FR Doc. 2017-11958 Filed 6-8-17; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: Effective June 9, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, (202) 268-3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 2, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 325 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2017-140, CP2017-199.

Stanley F. Mires,
Attorney, Federal Compliance.

[FR Doc. 2017-11954 Filed 6-8-17; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: Effective June 9, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202-268-3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 5, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 327 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2017-143, CP2017-202.

Stanley F. Mires,
Attorney, Federal Compliance.

[FR Doc. 2017-11956 Filed 6-8-17; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: Effective June 9, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, (202) 268-3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 2, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Express Contract 48 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2017-142, CP2017-201.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017-11957 Filed 6-8-17; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: Effective June 9, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202-268-3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 2, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 326 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2017-141, CP2017-200.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017-11955 Filed 6-8-17; 8:45 am]

BILLING CODE 7710-12-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80861; File Nos. SR-NYSE-2011-55; SR-NYSEAmex-2011-84]

Self-Regulatory Organizations; New York Stock Exchange LLC; NYSE MKT LLC; Order Granting an Extension to Limited Exemptions From Rule 612(c) of Regulation NMS in Connection With the Exchanges' Retail Liquidity Programs Until December 31, 2017

June 5, 2017.

On July 3, 2012, the Securities and Exchange Commission ("Commission") issued an order pursuant to its authority under Rule 612(c) of Regulation NMS ("Sub-Penny Rule")¹ that granted the New York Stock Exchange LLC ("NYSE") and NYSE MKT LLC ("NYSE MKT" and, together with NYSE, the "Exchanges") limited exemptions from the Sub-Penny Rule in connection with the operation of the Exchanges' respective Retail Liquidity Programs ("Programs").² The limited exemptions were granted concurrently with the Commission's approval of the Exchanges' proposals to adopt their respective Programs for one-year pilot terms.³ The exemptions were granted coterminous with the effectiveness of the pilot Programs; both the pilot Programs and exemptions are scheduled to expire on June 30, 2017.⁵

¹ 17 CFR 242.612(c).

² At the time it filed the original proposal to adopt the Retail Liquidity Program, NYSE MKT went by the name NYSE Amex LLC. On May 14, 2012, the Exchange filed a proposed rule change, immediately effective upon filing, to change its name from NYSE Amex LLC to NYSE MKT LLC. See Securities Exchange Act Release No. 67037 (May 21, 2012), 77 FR 31415 (May 25, 2012) (SR-NYSEAmex-2012-32).

³ See Securities Exchange Act Release No. 67347 (July 3, 2012), 77 FR 40673 (July 10, 2012) (SR-NYSE-2011-55; SR-NYSEAmex-2011-84) ("Order").

⁴ See *id.*

⁵ The pilot terms of the Programs were originally scheduled to end on July 31, 2013, but the Exchanges initially extended the terms for an additional year, through July 31, 2014, see Securities Exchange Act Release Nos. 70096 (August 2, 2013), 78 FR 48520 (August 8, 2013) (SR-NYSE-2013-48), and 70100 (August 2, 2013), 78 FR 48535 (August 8, 2013) (SR-NYSEMKT-2013-60), and then subsequently extended the terms again through March 31, 2015, see Securities Exchange Act Release Nos. 72629 (July 16, 2014), 79 FR 42564 (July 22, 2014) (SR-NYSE-2014-35), and 72625 (July 16, 2014), 79 FR 42566 (July 22, 2014) (SR-NYSEMKT-2014-60), September 30, 2015, see Securities Exchange Act Release Nos. 74454 (March 6, 2015), 80 FR 13054 (March 12, 2015) (SR-NYSE-2015-10), and 74455 (March 6, 2015), 80 FR 13047 (March 12, 2015) (SR-NYSEMKT-2015-14), March 31, 2016, see Securities Exchange Act Release Nos. 75993 (September 28, 2015), 80 FR 59844 (October 2, 2015) (SR-NYSE-2015-41), and 75995 (September 28, 2015), 80 FR 59836 (October 2, 2015) (SR-NYSEMKT-2015-69), August 31, 2016, see

The Exchanges now seek to extend the exemptions until June 30, 2017.⁶ The Exchanges' request was made in conjunction with immediately effective filings that extend the operation of the Programs through the same date.⁷ In their request to extend the exemptions, the Exchanges note that the participation in the Programs has increased more recently. Accordingly, the Exchanges have asked for additional time to allow themselves and the Commission to analyze more robust data concerning the Programs, which the Exchanges committed to provide to the Commission.⁸ For this reason and the reasons stated in the Order originally granting the limited exemptions, the Commission finds that extending the exemptions, pursuant to its authority under Rule 612(c) of Regulation NMS, is appropriate in the public interest and consistent with the protection of investors.

Therefore, it is hereby ordered that, pursuant to Rule 612(c) of Regulation NMS, each Exchange is granted a limited exemption from Rule 612 of Regulation NMS that allows it to accept and rank orders priced equal to or greater than \$1.00 per share in increments of \$0.001, in connection with the operation of its Retail Liquidity Program, until December 31, 2017.

Securities Exchange Act Release Nos. 77426 (March 23, 2016), 81 FR 17533 (March 29, 2016) (SR-NYSE-2016-25), and 77424 (March 23, 2016), 81 FR 17522 (March 29, 2016) (SR-NYSEMKT-2016-39), December 31, 2016, see Securities Exchange Act Release Nos. 78600 (August 17, 2016), 81 FR 57642 (August 23, 2016) (SR-NYSE-2016-54), and 78602 (August 17, 2016), 81 FR 57639 (August 23, 2016) (SR-NYSEMKT-2016-76), and June 30, 2017, see Securities Exchange Act Release Nos. 79493 (December 7, 2016), 81 FR 90019 (December 13, 2016) (SR-NYSE-2016-82), and 79509 (December 8, 2016), 81 FR 90389 (Dec. 14, 2016) (SR-NYSEMKT-2016-112). Each time the pilot terms of the Programs were extended, the Commission granted the Exchanges' requests to also extend the Sub-Penny exemptions through July 31, 2014, see Securities Exchange Act Release No. 70085 (July 31, 2013), 78 FR 47807 (August 6, 2013), March 31, 2015, see Securities Exchange Act Release No. 72732 (July 31, 2014), 79 FR 45851 (August 6, 2014), September 30, 2015, see Securities Exchange Act Release No. 74507 (March 13, 2015), 80 FR 14421 (March 19, 2015), March 31, 2016, see Securities Exchange Act Release No. 76020 (September 29, 2015), 80 FR 60201 (October 5, 2015), August 31, 2016, see Securities Exchange Act Release No. 77438 (March 24, 2016), 81 FR 17752 (March 30, 2016), December 31, 2016, see Securities Exchange Act Release No. 78678 (August 25, 2016), 81 FR 60031 (August 31, 2016), and June 30, 2017, see Securities Exchange Act Release No. 79587 (Dec. 16, 2016), 81 FR 93975 (Dec. 22, 2016).

⁶ See Letter from Martha Redding, Assistant Secretary, NYSE, to Brent J. Fields, Secretary, Securities and Exchange Commission, dated May 23, 2017.

⁷ See Securities Exchange Act Release Nos. 80844 (June 1, 2017) (SR-NYSE-2017-26) and 80850 (June 2, 2017) (SR-NYSEMKT-2017-33).

⁸ See Order, *supra* note 3, 77 FR at 40681.

The limited and temporary exemptions extended by this Order are subject to modification or revocation if at any time the Commission determines that such action is necessary or appropriate in furtherance of the purposes of the Securities Exchange Act of 1934. Responsibility for compliance with any applicable provisions of the Federal securities laws must rest with the persons relying on the exemptions that are the subject of this Order.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁹

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017-11966 Filed 6-8-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80856; File No. SR-NASDAQ-2017-051]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Fees at Rule 7046

June 5, 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 23, 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 the Exchange's fees at Rule 7046 to: (i) Introduce a new fee structure that would allow members to sponsor their customers to receive Nasdaq Trading Insights for a \$1,000 per month sponsorship fee to be paid by the member, and fees based on the number of ports to be paid by the sponsored firm; and (ii) extend a free trial offer period from 14 to 30 days. The changes are described in further detail below.

The text of the proposed rule change is available on the Exchange's Web site

at <http://nasdaq.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 the proposed rule change is to amend the Exchange's fees at Rule 7046 to: (i) Introduce a new fee structure that would allow members to sponsor their customers to receive Nasdaq Trading Insights for a \$1,000 per month sponsorship fee to be paid by the member, and fees based on the number of ports to be paid by the sponsored firm; and (ii) extend a free trial offer period from 14 to 30 days.

Nasdaq Trading Insights

Nasdaq Trading Insights is an optional market data service that employs advanced analytics and machine learning to analyze order activity. It is comprised of three active market data components: (a) Missed Opportunity—Liquidity; (b) Missed Opportunity—Latency; and (c) Peer Benchmarking. The initial filing for this product had also proposed a fourth component—a Liquidity Dynamics Analysis—which, as reported in a prior filing,³ has been delayed in development.

The Missed Opportunity—Liquidity component identifies when an order from a market participant could have been increased in size, resulting in the execution of additional shares. This component is designed to provide information to a market participant interested in gaining insight into hidden pockets of liquidity.

The Missed Opportunity—Latency component identifies the amount of

time by which an otherwise marketable order missed execution. This component is designed to provide information to market participants interested in optimizing their models and trading patterns.

The Peer Benchmarking component ranks the quality of a market participant's trading performance against its peers, allowing market participants to view their relative trading performance by port,⁴ with each port ranked independently by each metric against the ports of peer firms trading on the Exchange.

Each market participant is eligible to receive information regarding only its own data for each Trading Insights component. That data is provided on a T+1 basis.

The initial proposal to create Trading Insights, filed in August of 2016,⁵ included a Liquidity Dynamics Analysis component, which was to help market participants identify pockets of accessible liquidity. In October of 2016, the Exchange announced that this component would be delayed and unavailable to subscribers.⁶

A subscription to Nasdaq Trading Insights is currently available for a monthly fee based on the number of ports for which the market participant subscribes to such information: \$1,500 for 1-5 ports; \$2,000 for 6-15 ports; \$2,500 for 16-25 ports; and \$3,500 for 26 ports or more. There is no current fee structure that would allow members to sponsor their customers to receive Nasdaq Trading Insights.

Proposed Changes

The Exchange proposes two changes to the Trading Insights product: (i) Introduce a new fee structure that would allow members to sponsor their customers to receive Nasdaq Trading Insights for a \$1,000 per month sponsorship fee to be paid by the member, and fees based on the number of ports to be paid by the sponsored firm; and (ii) extend a free trial offer period from 14 to 30 days.

a. Sponsorship Fee

The Exchange proposes to introduce a new fee structure that would allow members to sponsor an unlimited number of their customers to obtain access to Trading Insights' analytics for a \$1,000 per month sponsorship fee to

⁴ A port is a means by which a member firm connects to Nasdaq's systems.

⁵ See Securities Exchange Act Release No. 78462 (August 2, 2016), 81 FR 52486 (August 8, 2016) (SR-NASDAQ-2016-101).

⁶ See Securities Exchange Release No. 79119 (October 19, 2016), 81 FR 73157 (October 24, 2016) (SR-NASDAQ-2016-138).

⁹ 17 CFR 200.30-3(a)(83).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Release No. 79119 (October 19, 2016), 81 FR 73157 (October 24, 2016) (SR-NASDAQ-2016-138).

be paid by the member, as well as standard fees based on the number of ports to be paid by the sponsored firm(s) set forth in Rule 7046(b)(2). Standard fees for both members and sponsored firms will be at the current rates: \$1,500 for 1–5 ports; \$2,000 for 6–15 ports; \$2,500 for 16–25 ports; and \$3,500 for 26 ports or more. A sponsoring member may receive data from the same port as a sponsored firm, but only the sponsored firm would be charged a fee for that data. The sponsoring member will be charged a Standard Fee for Trading Insights on all ports transmitting the proprietary data of that member, but the sponsoring member will not be charged for any data on ports subscribed by a sponsored firm.⁷

A member will only be able to view data concerning ports that contain information related to its own proprietary trading or its customers' trading.⁸ A sponsored firm will only be able to view data on ports that contain its own trading information. A member will not be able to view data concerning the ports of other members or the customers of other members. A customer will not be able to view data concerning the ports of other customers.

This proposed change will increase market transparency by creating a fee structure designed to encourage the dissemination of Trading Insights information to non-members by setting a sponsorship fee that remains flat notwithstanding the number of non-members receiving that information. As such, the proposed change is fair and reasonable.

b. Trial Offers

The Exchange proposes to extend the current 14 day free trial offer to 30 days. The trial may be repeated if the Exchange elects to release a new version of the product. The Exchange has found that the additional time is necessary for potential subscribers to thoroughly test the product, and the Exchange believes that such enhanced testing will lead to

⁷ For example, a member firm that subscribes to Trading Insights information on six ports, and sponsors a firm to subscribe to Trading Insight information on one of those six ports, will be charged Standard Fees for five ports, while the sponsored firm will be charged Standard Fees for one port.

⁸ In Securities Exchange Act Release No. 78462 (August 2, 2016), 81 FR 52486 (August 8, 2016) (SR-NASDAQ-2016-101), the Exchange stated that it would ensure that each market participant receives only its own unique data and would not be able to obtain any other market participant's unique data. As a narrow exception to this general proposition, it is appropriate for a member to have access to its customer's information because the customer itself discloses trading activity to the member, and the Trading Insights information will enable the member to act more effectively on its customer's behalf.

more subscriptions to the product. The Exchange will offer additional free trials if Nasdaq elects to release a new version of the product that warrants new testing. The Exchange will report the release of any new version of the product on the Nasdaq Trader Web site (www.nasdaqtrader.com), or a successor Web site.

There is also a technical change to Rule 7046(b)(1), the paragraph including the trial offer provision, to delete a sentence stating that the product will not be pro-rated. This sentence is unnecessary because it is repeated in Rule 7046(b)(2).

Fees for Trading Insights are optional in that they apply only to firms that elect to purchase the product. The proposed changes do not impact the cost of any other Nasdaq product.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁹ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,¹⁰ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

This proposal creates a fee structure designed to encourage the dissemination of Nasdaq Trading Insights to non-members by setting a sponsorship fee that remains flat notwithstanding the number of non-members receiving that information. Lengthening trial periods for new potential subscribers will also increase distribution by allowing potential subscribers to become more familiar with the benefits of the product, which may lead to additional subscriptions.

The proposal provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility because the proposed fee structure reasonably reflects the value that members and sponsored customers receive for their service. The new \$1,000 per month sponsorship fee for members enables them to distribute Trading Insights information to an unlimited number of customers for a flat fee, and provides the member with an opportunity to view customer port data without paying the Standard Fees paid by their customers. The Standard Fees paid by customers will allow them to obtain port information at exactly the

same rates that would be paid by members. The fee structure therefore reflects the value of Trading Insights to both customers and members, respectively.

Moreover, all similarly-situated persons will be charged the same fee for the same service. All members that opt to purchase the service or sponsor a customer for that service will be charged the same standard and sponsorship fees. All customers that are sponsored by a member and opt to purchase the service will be charged the same standard fees for information on their ports. The service is not available to non-members and customers not sponsored by a member because the information provided by this service pertains only to ports used by members and their customers.

In adopting Regulation NMS,¹¹ the Commission granted SROs and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. Nasdaq believes that Nasdaq Trading Insights—which employs advanced analytics and machine learning to analyze order activity—is precisely the sort of market data product that the Commission envisioned when it adopted Regulation NMS. The Commission concluded that Regulation NMS—deregulating the market in proprietary data—would further the Act's goals of facilitating efficiency and competition:

[E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data.¹²

By removing unnecessary regulatory restrictions on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history.

In *NetCoalition v. Securities and Exchange Commission*¹³ (“NetCoalition”) the D.C. Circuit upheld the Commission's use of a market-based

¹¹ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) (“Regulation NMS Adopting Release”).

¹² *Id.*

¹³ *NetCoalition v. SEC*, 615 F.3d 525 (D.C. Cir. 2010).

⁹ 15 U.S.C. 78f(b).

¹⁰ 15 U.S.C. 78f(b)(4) and (5).

approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.¹⁴ As the court emphasized, the Commission “intended in Regulation NMS that ‘market forces, rather than regulatory requirements’ play a role in determining the market data . . . to be made available to investors and at what cost.”¹⁵ “No one disputes that competition for order flow is ‘fierce.’ . . . As the SEC explained, ‘[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution’; [and] ‘no exchange can afford to take its market share percentages for granted’ because ‘no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers’”¹⁶

Data products such as Nasdaq Trading Insights are a means by which exchanges compete to attract order flow. To the extent that exchanges are successful in such competition, they earn trading revenues and also enhance the value of their data products by increasing the amount of data they provide. The need to compete for order flow places substantial pressure upon exchanges to keep their fees for both executions and data reasonable.¹⁷

The proposed changes are consistent with Section 6(b)(5) of the Act because they increase transparency by promoting the distribution of sophisticated trading analyses to sponsored firms and providing longer trial periods to allow potential subscribers to become more familiar with the benefits of the product. The proposed changes would not permit unfair discrimination because the Exchange will apply the same fee to all similarly-situated members.

Fees for Trading Insights are optional in that they apply only to firms that elect to purchase the product, which, like all proprietary data products, they may cancel at any time.

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. Indeed, the Exchange believes that the Nasdaq Trading Insights product enhances competition by providing new options for analyzing market data.

The market for data products is extremely competitive and firms may freely choose alternative venues and data vendors based on the aggregate fees assessed, the data offered, and the value provided. Numerous exchanges compete with each other for listings, trades, and market data itself, providing virtually limitless opportunities for entrepreneurs who wish to produce and distribute their own market data. Transaction execution and proprietary data products are complementary in that market data is both an input and a byproduct of the execution service. In fact, market data and trade execution are a paradigmatic example of joint products with joint costs. The decision whether and on which platform to post an order will depend on the attributes of the platform where the order can be posted, including the execution fees, data quality and price, and distribution of its data products. Without trade executions, exchange data products cannot exist. Moreover, data products are valuable to many end users only insofar as they provide information that end users expect will assist them or their customers in making trading decisions.

The costs of producing market data include not only the costs of the data distribution infrastructure, but also the costs of designing, maintaining, and operating the exchange’s transaction execution platform and the cost of regulating the exchange to ensure its fair operation and maintain investor confidence. The total return that a trading platform earns reflects the revenues it receives from both products and the joint costs it incurs. Moreover, the operation of the exchange is characterized by high fixed costs and low marginal costs. This cost structure is common in content distribution industries such as software, where developing new software typically requires a large initial investment (and continuing large investments to upgrade the software), but once the software is developed, the incremental cost of providing that software to an additional user is typically small, or even zero (e.g., if the software can be downloaded over the internet after being purchased).¹⁸ In Nasdaq’s case, it is

costly to build and maintain a trading platform, but the incremental cost of trading each additional share on an existing platform, or distributing an additional instance of data, is very low. Market information and executions are each produced jointly (in the sense that the activities of trading and placing orders are the source of the information that is distributed) and are each subject to significant scale economies.

Competition among trading platforms can be expected to constrain the aggregate return each platform earns from the sale of its joint products. The level of competition and contestability in the market is evident in the numerous alternative venues that compete for order flow, including SRO markets, as well as internalizing BDs and various forms of alternative trading systems (“ATSs”), including dark pools and electronic communication networks (“ECNs”). Each SRO market competes to produce transaction reports via trade executions, and two FINRA-regulated TRFs compete to attract internalized transaction reports. It is common for BDs to further and exploit this competition by sending their order flow and transaction reports to multiple markets, rather than providing them all to a single market. Competitive markets for order flow, executions, and transaction reports provide pricing discipline for the inputs of proprietary data products. The large number of SROs, TRFs, BDs, and ATSs that currently produce proprietary data or are currently capable of producing it provides further pricing discipline for proprietary data products. Each SRO, TRF, ATS, and BD is currently permitted to produce proprietary data products, and many currently do or have announced plans to do so, including Nasdaq, NYSE, NYSE MKT, NYSE Arca, and the BATS exchanges.

In this competitive environment, an “excessive” price for one product will have to be reflected in lower prices for other products sold by the Exchange, or otherwise the Exchange may experience a loss in sales that may adversely affect its profitability.

In this instance, the proposed rule change enhances competition by creating a fee structure that encourages the dissemination of Nasdaq Trading Insights to non-members and expanding free trial offers to allow members and non-members to become more familiar with the product. If Nasdaq Trading Insights were to become unattractive to members and sponsored firms, those

¹⁴ See *NetCoalition*, at 534–535.

¹⁵ *Id.* at 537.

¹⁶ *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

¹⁷ See Sec. Indus. Fin. Mkts. Ass’n (SIFMA), Initial Decision Release No. 1015, 2016 SEC LEXIS 2278 (ALJ June 1, 2016) (finding the existence of vigorous competition with respect to non-core market data).

¹⁸ See William J. Baumol and Daniel G. Swanson, “The New Economy and Ubiquitous Competitive Price Discrimination: Identifying Defensible Criteria

of Market Power,” *Antitrust Law Journal*, Vol. 70, No. 3 (2003).

firms would opt not to purchase the product

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 foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.¹⁹

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-2017-051 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-NASDAQ-2017-051. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written

communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments 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-2017-051, and should be submitted on or before June 30, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁰

Robert W. Errett,
Deputy Secretary.

[FR Doc. 2017-11961 Filed 6-8-17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[[Release No. 34-80860; File No. SR-NYSEArca-2013-107]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Granting an Extension to Limited Exemption From Rule 612(c) of Regulation NMS In Connection With the Exchange's Retail Liquidity Program Until December 31, 2017

June 5, 2017.

On December 23, 2013, the Securities and Exchange Commission ("Commission") issued an order pursuant to its authority under Rule 612(c) of Regulation NMS ("Sub-Penny Rule")¹ that granted NYSE Arca, Inc. ("Exchange") a limited exemption from the Sub-Penny Rule in connection with the operation of the Exchange's Retail Liquidity Program ("Program").² The limited exemption was granted concurrently with the Commission's approval of the Exchange's proposal to adopt the Program for a one-year pilot term.³ The exemption was granted

²⁰ 17 CFR 200.30-3(a)(12).

¹ 17 CFR 242.612(c).

² See Securities Exchange Act Release No. 71176 (December 23, 2013), 78 FR 79524 (December 30, 2013) (SR-NYSEArca-2013-107) ("Order").

³ See *id.*

coterminous with the effectiveness of the pilot Program; both the pilot Program and exemption are scheduled to expire on June 30, 2017.⁴

The Exchange now seeks to extend the exemption until June 30, 2017.⁵ The Exchange's request was made in conjunction with an immediately effective filing that extends the operation of the Program through the same date.⁶ In its request to extend the exemption, the Exchange notes that the participation in the Program has increased more recently. Accordingly, the Exchange has asked for additional time to allow itself and the Commission to analyze more robust data concerning the Program, which the Exchange committed to provide to the Commission.⁷ For this reason and the reasons stated in the Order originally granting the limited exemption, the Commission finds that extending the exemption, pursuant to its authority under Rule 612(c) of Regulation NMS, is appropriate in the public interest and consistent with the protection of investors.

Therefore, it is hereby ordered that, pursuant to Rule 612(c) of Regulation NMS, the Exchange is granted a limited exemption from Rule 612 of Regulation NMS that allows it to accept and rank orders priced equal to or greater than \$1.00 per share in increments of \$0.001,

⁴ The pilot term of the Program was originally scheduled to end on April 14, 2015, but the Exchange initially extended the term through September 30, 2015, see Securities Exchange Act Release No. 74572 (March 24, 2015), 80 FR 16705 (March 30, 2015) (NYSEArca-2015-22), and then subsequently extended the term again through June 30, 2017, see Securities Exchange Act Release Nos. 75994 (September 28, 2015), 80 FR 59834 (October 2, 2015) (SR-NYSEArca-2015-84), 77236 (Feb. 25, 2016), 81 FR 10943 (March 2, 2016) (SR-NYSEArca-2016-30), 77425 (March 23, 2016), 81 FR 17523 (March 29, 2016) (SR-NYSEArca-2016-47), 78601 (August 17, 2016), 81 FR 57632 (August 23, 2016) (SR-NYSEArca-2016-113), and 79495 (December 7, 2016), 81 FR 90033 (December 13, 2016) (SR-NYSEArca-2016-157). Each time the pilot term of the Program was extended, the Commission granted the Exchange's request to also extend the Sub-Penny exemption through September 30, 2015, see Securities Exchange Act Release No. 74609 (March 30, 2015), 80 FR 18272 (April 3, 2015), March 31, 2016, see Securities Exchange Act Release No. 76021 (September 29, 2015), 80 FR 60207 (October 5, 2015), August 31, 2016, see Securities Exchange Act Release No. 77437 (March 24, 2016), 81 FR 17752 (March 30, 2016), December 31, 2016, see Securities Exchange Act Release No. 78677 (August 25, 2016), 81 FR 60037 (August 31, 2016), and June 30, 2017, see Securities Exchange Act Release No. 79586 (December 16, 2016), 81 FR 93719 (December 21, 2016).

⁵ See Letter from Martha Redding, Assistant Secretary, NYSE, to Brent J. Fields, Secretary, Securities and Exchange Commission, dated May 23, 2017.

⁶ See Securities Exchange Act Release No. 80851 (June 2, 2017) (SR-NYSEArca-2017-63).

⁷ See Order, *supra* note 2, 78 FR at 79529.

¹⁹ 15 U.S.C. 78s(b)(3)(A)(ii).

in connection with the operation of its Retail Liquidity Program, until June 30, 2017.

The limited and temporary exemption extended by this Order is subject to modification or revocation if at any time the Commission determines that such action is necessary or appropriate in furtherance of the purposes of the Securities Exchange Act of 1934.

Responsibility for compliance with any applicable provisions of the Federal securities laws must rest with the persons relying on the exemption that is the subject of this Order.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Robert W. Errett,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80859; SR-CBOE-2016-082]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Withdrawal of a Proposed Rule Change Related to Rules Regarding the Responsibility for Ensuring Compliance With Priority and Allocation Requirements and Trade-Through Prohibitions in Open Outcry Trading

June 5, 2017.

On December 1, 2016, the Chicago Board Options Exchange, Incorporated (“CBOE” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Exchange Act”) ¹ and Rule 19b-4 thereunder, ² a proposed rule change to amend Exchange rules regarding responsibility for ensuring compliance with open outcry priority and allocation requirements and trade-through prohibitions. The proposed rule change was published for comment in the **Federal Register** on December 19, 2016. ³ On January 31, 2017, pursuant to Section 19(b)(2) of the Exchange Act, ⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to

disapprove the proposed rule change. ⁵ On March 17, 2017, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act, ⁶ to determine whether to approve or disapprove the proposed rule change. ⁷ The Commission received seven comments on the proposed rule change, including responses by the Exchange. ⁸

On June 2, 2017, the Exchange withdrew the proposed rule change (SR-CBOE-2016-082).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority. ⁹

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017-11964 Filed 6-8-17; 8:45 am]

BILLING CODE 8011-01-P

⁵ See Securities Exchange Act Release No. 79910, 82 FR 9464 (February 6, 2017). The Commission designated March 19, 2017, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ See Securities Exchange Act Release No. 80270, 82 FR 14926 (March 23, 2017).

⁸ See Letters to Brent J. Fields, Secretary, Commission, from: (1) Joan C. Conley, Senior Vice President and Corporate Secretary, Nasdaq, dated December 22, 2016; (2) Steve Crutchfield, Head of Market Structure, CTC Trading Group, LLC; Kevin Coleman, Chief Compliance Officer, Belvedere Trading LLC; Scott Kloin, Chief Compliance Officer, Citadel Securities LLC; Steven Gaston, Chief Compliance Officer, Consolidated Trading LLC; Rob Armour, Chief Compliance Officer, DRW Securities, LLC; John Kinahan, Chief Executive Officer, Group One Trading L.P.; Daniel Overmyer, Chief Compliance Officer, IMC Financial Markets; Steven Gaston, Chief Compliance Officer, Lamberson Capital LLC; and Patrick Hickey, Head of Market Structure, Optiver US LLC, dated February 16, 2017; (3) Joanna Mallers, Secretary, FIA Principal Traders Group, dated April 13, 2017; (4) Steve Crutchfield, Head of Market Structure, CTC Trading Group, LLC; Kevin Coleman, Chief Compliance Officer, Belvedere Trading LLC; Scott Kloin, Chief Compliance Officer, Citadel Securities LLC; Steven Gaston, Chief Compliance Officer, Consolidated Trading LLC; Rob Armour, Chief Compliance Officer, DRW Securities, LLC; John Kinahan, Chief Executive Officer, Group One Trading L.P.; Daniel Overmyer, Chief Compliance Officer, IMC Financial Markets; Steven Gaston, Chief Compliance Officer, Lamberson Capital LLC; and Patrick Hickey, Head of Market Structure, Optiver US LLC, dated April 13, 2017; and (5) Mark E. Gannon, Chief Compliance Officer, Lakeshore Securities, L.P., dated April 13, 2017. See also Letters to Brent J. Fields, Secretary, Commission, from Kyle Edwards, Counsel, CBOE, dated March 14, 2017 and April 27, 2017. The comment letters and CBOE’s responses are available at <https://www.sec.gov/comments/sr-cboe-2016-082/cboe2016082.shtml>.

⁹ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80858; File No. SR-ICC-2017-003]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Amendment No. 1 and Order Approving Proposed Rule Change, as Modified by Amendment No. 1 Thereto, Relating to ICC’s End-of-Day Price Discovery Policies and Procedures

June 5, 2017.

I. Introduction

On February 16, 2017, ICE Clear Credit LLC (“ICC” or “ICE Clear Credit”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b-4 thereunder, ² a proposed rule change (SR-ICC-2017-003) to amend ICC’s End-of-Day Price Discovery Policies and Procedures (“Pricing Policy”) to implement a new price submission process for Clearing Participants (“CPs”). The proposed rule change was published for comment in the **Federal Register** on March 9, 2017. ³ The Commission did not receive comments regarding the proposed changes. On April 21, 2017, the Commission extended the period in which to approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change to June 7, 2017. ⁴ On May 25, 2017, ICC filed Amendment No. 1 to the proposal. ⁵ For the reasons discussed below, the Commission is approving the proposed rule changes, as modified by Amendment No. 1.

II. Description of the Proposed Rule Change

ICC has proposed changes to its Pricing Policy that are designed to implement a new price submission process. As part of its current price submission process, ICC requires CPs to submit certain required price information to an intermediary, which ICC then obtains and uses as part of its

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Securities Exchange Act Release No. 34-80150 (March 3, 2017), 82 FR 13173 (March 9, 2017) (SR-ICC-2017-003) (“Notice”).

⁴ Securities Exchange Act Release No. 34-80506 (April 21, 2017), 82 FR 19412 (April 27, 2017).

⁵ ICE Clear Credit filed Amendment No. 1 to clarify that the implementation date for the proposed rule change will be July 10, 2017, and to note that ICE Clear Credit will issue a circular confirming this timeline in advance of the July 10, 2017 implementation date. Because Amendment No. 1 is a clarifying amendment that does not alter the substance of the propose rule change the Commission is not publishing it for comment.

⁸ 17 CFR 200.30-3(a)(83).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 79540 (December 13, 2016), 81 FR 91967 (“Notice”).

⁴ 15 U.S.C. 78s(b)(2).

price discovery process. The proposed rule changes would eliminate the use of the intermediary in the price submission process and instead require CPs to submit required price information directly to ICC. In order to implement the direct price submission process, ICC proposed to amend its Pricing Policy to (1) require CPs establish direct connectivity with ICC and use a FIX API to provide ICC with the required price information, (2) add references to FIX API terminology, and (3) make revisions reflecting the replacement of existing trade date files with FIX API firm trade messages.⁶ Moreover, ICC proposed amending the Pricing Policy to note that ICC will send FIX API messages directly to CPs, and removed references to the intermediary and its “Valuation Service API” previously used.⁷ Although ICC proposed additional minor changes to the timing of various steps in the pricing process, these proposed changes would not affect the actual settlement submission windows.⁸

In addition to the changes described above, ICC also proposed changes with respect to the format of information required to be submitted by CPs for the iTraxx Australia and iTraxx Asia Ex-Japan Indices, as well as the CDX.NA.HY and CDS.EM indices. ICC also proposed modifications to the process for distributing end-of-day prices, which will result in ICC publishing to CPs separate messages setting forth end-of-day price information for single name and index CDS.⁹

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization.¹⁰ Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of a registered clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions.¹¹ Rule 17Ad-22(d)(4) requires, in relevant part, that a registered clearing agency shall

establish, implement, maintain, and enforce written policies and procedures reasonably designed to identify sources of operational risk and minimize them through the development of appropriate systems, controls, and procedures; implement systems that are reliable, resilient and secure, and have adequate, scalable capacity.¹²

The Commission finds that the proposed rule change, which modifies ICC’s Pricing Policy to implement a direct price submission process for CPs, is consistent with Section 17A of the Act and Rule 17Ad-22 thereunder. The proposed rule change is consistent with the requirements of Section 17A(b)(3)(F) that the rules of a registered clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions. By reducing operational risk the proposed rule changes reduce the likelihood that ICC will be unable to complete its end-of-day price discovery process. Completion of the end-of-day price discovery process is a necessary and essential element in ICC’s clearance and settlement processes. The Commission believes that the proposed changes should enhance ICC’s ability to complete the necessary pricing process effectively and thereby promote the prompt and accurate clearance and settlement of derivative agreements, contracts and transactions consistent with Section 17A(b)(3)(F).

For similar reasons, the proposed rule changes are also consistent with Rule 17Ad-22(d)(4) in that they are designed to reduce operational risk outside of ICC’s control.¹³ The proposed rule changes are intended to reduce ICC’s external operational risk by allowing ICC to control the price submission process through the implementation of systems designed to provide for direct connection and communication with CPs instead of relying on an intermediary to collect price information needed for ICC’s price discovery process. As a result, because ICC will be able to reduce its reliance on intermediaries and thereby reduce operational risk that is outside of its control, the proposed rule changes are consistent with the requirements of Rule 17Ad-22(d)(4).

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act that the proposed rule change (SR-ICC-2017-

003), as amended by Amendment No. 1, be, and hereby is, approved.¹⁴

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.¹⁵

Robert W. Errett,
Deputy Secretary.

[FR Doc. 2017-11963 Filed 6-8-17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80857; File No. SR-CBOE-2017-044]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change Relating to Disaster Recovery

June 5, 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 24, 2017, Chicago Board Options Exchange, Incorporated (“CBOE” 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

The Exchange proposes to amend Rule 6.18 relating to disaster recovery. 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

⁶ Notice, 82 FR at 13173-74.

⁷ Notice, 82 FR at 13173.

⁸ Notice, 82 FR at 13174.

⁹ *Id.*

¹⁰ 15 U.S.C. 78s(b)(2)(C).

¹¹ 15 U.S.C. 78q-1(b)(3)(F).

¹² 17 CFR 240.17Ad-22(d)(4).

¹³ *Id.*

¹⁴ In approving the proposed rule change, the Commission considered the proposal’s impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹⁵ 17 CFR 200.30-3(a)(12).

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 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange adopted Rule 6.18 in 2006 for the limited purpose of providing alternative means of operation in the event of a physical disaster. In particular, Rule 6.18, as originally adopted, was intended to deal with trading floor closures, providing for the operation of a "Disaster Recovery Facility" ("DRF") in the event that a disaster or other unusual circumstance rendered the trading floor inoperable.³ Under original Rule 6.18, if the Exchange were forced to halt trading due to a disaster or other physical impairment of its trading floor, the Exchange and its members⁴ could operate remotely in a screen-based only environment from the DRF while the trading floor was unavailable. While operating from the DRF, open outcry trading would be suspended.

In 2012, Rule 6.18 was amended in connection with the Exchange's relocation of its primary data center to the East Coast and the consequent conversion of its former primary data center to a back-up data center in Chicago.⁵ Specifically, Rule 6.18 was amended to address other situations in which the primary data center could continue to operate despite the trading floor being rendered inoperable or in which the back-up data center might be used despite the trading floor being operational. Specifically, as amended, Rule 6.18 provided that in the event that the Exchange were forced to switch operations to the back-up data center,

³ See Securities Exchange Act Release No. 54171 (July 19, 2006), 71 FR 42427 (July 26, 2006) (Order Approving Proposed Rule Change and Amendment No. 1 Thereto Regarding a Disaster Recovery Facility) (SR-CBOE-2006-001).

⁴ Prior to its demutualization in 2010, the Exchange was a member-owned organization. See Securities Exchange Act Release No. 62382 (June 25, 2010), 75 FR 38164 (July 1, 2010) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Conforming Changes in Connection With Demutualization) (SR-CBOE-2010-058). Individuals and organizations that may trade on CBOE are now referred to as Trading Permit Holders ("TPHs").

⁵ See Securities Exchange Act Release No. 68301 (November 27, 2012), 77 FR 71650 (December 3, 2012) (Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change To Amend CBOE Rule 6.18 Concerning the Exchange's Disaster Recovery Facility) (SR-CBOE-2012-111).

the Exchange's trading floor could still be used and that in the event that the trading floor were inoperable, the Exchange could still operate using a floorless configuration or screen-based only environment on the Exchange's primary data center. References to the DRF and other irrelevant portions of the original rule were eliminated or replaced with references to Exchange's primary and back-up data centers as appropriate.

In 2015, Rule 6.18 was again amended to add greater detail to the Exchange's disaster recovery rules and harmonize the disaster recovery rules with newly implemented disaster recovery-related regulatory imperatives of Regulation Systems Compliance and Integrity ("Regulation SCI"), which superseded and replaced the SEC's voluntary Automation Review Policy.⁶ In doing so, the Exchange made certain changes to Rule 6.18 to provide additional details regarding the Exchange's back-up trading systems, business continuity and disaster recovery plans, and testing and update its disaster recovery rules to ensure consistency with Regulation SCI.

The Exchange now proposes to make additional changes to its disaster recovery rules to provide the Exchange authority to take additional steps necessary to preserve the Exchange's ability to conduct business in the event that the Exchange's primary and/or back-up data center(s) become inoperable or otherwise unavailable for use due to a significant systems failure, disaster or other unusual circumstances and make clear in the Rules the intermediary steps that the Exchange may take to disable certain systems and users' connectivity while continuing to operate its primary data center. The Exchange believes this authority serves the interests of all investors and the general public, because it helps the Exchange ensure its continuous operation and ability to maintain fair and orderly markets in the event of a significant systems failure or other unusual circumstance.

⁶ See Securities Exchange Act Release No. 76203 (October 20, 2015), 80 FR 65258 (October 26, 2015) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Disaster Recovery) (SR-CBOE-2015-088); see also Securities Exchange Act Release No. 73639 (November 19, 2014), 79 FR at 72252 (December 5, 2014) (Regulation Systems Compliance and Integrity) (File No. S7-01-13); Securities Exchange Act Release No. 27445 (November 16, 1989), 54 FR 48703 (November 24, 1989) (Automated Systems of Self-Regulatory Organizations) (File No. S7-29-89); Securities Exchange Act Release No. 29185 (May 9, 1991), 56 FR 22490 (May 15, 1991) (Automated Systems of Self-Regulatory Organizations) (File No. S7-12-91).

Proposal

The Exchange proposes to amend Rule 6.18 relating to disaster recovery. Specifically, the Exchange proposes to make changes to Rule 6.18 to: (1) Allow the Exchange to establish certain additional temporary requirements applicable to particular Designated BCP/DR Participants⁷ during use of the back-up data center; (2) provide that the Exchange may determine to temporarily allow trading in proprietary classes of options and classes of options exclusively-licensed⁸ by the Exchange⁹ in an exclusively floor-based environment via open outcry in order to preserve the Exchange's ability to provide fair and orderly markets in those classes in the event that the Exchange's primary and back-up data centers become inoperable or otherwise unavailable for use due to a significant systems failure, disaster, or other unusual circumstances; (3) permit the Exchange to deactivate certain nonessential systems and systems functionalities in response to limited systems disruptions or malfunctions, security intrusions, systems compliance issues, or other unusual circumstances; and (4) permit the Exchange to restrict access of a TPH or associated person to

⁷ Under Rule 6.18(b)(iv), the Exchange shall designate those Trading Permit Holders that the Exchange determines are, as a whole, necessary for the maintenance of fair and orderly markets in the event of the activation of the Exchange's business continuity and disaster recovery plans ("Designated BCP/DR Participants"). Designated BCP/DR Participants will be identified based on criteria determined by the Exchange and announced via Regulatory Circular, which may include whether the TPH is an appointed DPM, LMM, or Market-Maker in a class and the quality of markets provided by the DPM, LMM, or Market-Maker, the amount of volume transacted by the market participant in a class or on the Exchange in general, operational capacity, trading experience, and historical contribution to fair and orderly markets on the Exchange. Designated BCP/DR Participants shall include, at a minimum, all Market-Makers in option classes exclusively listed on the Exchange that stream quotes in such classes and all DPMs in multiply listed option classes.

⁸ The Exchange's current suite of proprietary and exclusively-licensed option products includes options on CBOE Volatility Index (VIX) futures, the S&P 500 (SPX and XSP) Index, S&P Dow Jones Indexes (OEX, XEO, and DJX), Russell 2000 (RUT) Index, FTSE Emerging Index (FTEM/EMS), MSCI Emerging Markets Index (MXEF), and the MSCI EAFE Index (MXEA), among others. The Exchange will maintain a current list of all proprietary and exclusively-licensed options products on the Exchange's Web site, including for purposes of this rule.

⁹ Options exclusively-listed on the Exchange may include products listed on the Exchange and certain other CBOE Holdings Inc. affiliated exchanges, including C2 Options Exchange, Incorporated ("C2"), Bats BZX Exchange, Inc. ("BZX"), Bats BYX Exchange Inc. ("BYX"), Bats EDGA Exchange, Inc. ("EDGA"), Bats EDGX Exchange, Inc. ("EDGX"). Currently, RUT is listed on both CBOE and C2. All other exclusively-listed products are currently listed on CBOE only.

the Hybrid Trading System¹⁰ and other Exchange systems if such access poses a significant threat to the Exchange's ability to operate systems essential to maintain a fair and orderly market.

The Exchange proposes to add new Rule 6.18(b)(iv)(B) (Alternative BCP/DR Participant Obligations), which would provide that during the use of the back-up data center, the Exchange may, if necessary for the maintenance of fair and orderly markets, establish heightened quoting obligations for Designated BCP/DR Participants in a class in which the Designated BCP/DR Participant is already an appointed Lead Market-Maker or Market-Maker up to the standards specified for Designated Primary Market-Makers ("DPMs") specified in Rule 8.85(a)¹¹ and/or disallow the ability to deselect an appointment intraday in a class in which the Designated BCP/DR Participant is already an appointed Market-Maker.¹² Proposed Rule

¹⁰ Under Rule 1.1(aaa), the "Hybrid Trading System" refers to (i) the Exchange's trading platform that allows Market-Makers to submit electronic quotes in their appointed classes and (ii) any connectivity to the foregoing trading platform that is administered by or on behalf of the Exchange, such as a communications hub.

¹¹ Currently, under Rule 8.85(a)(i), for example, DPMs must provide continuous electronic quotes (as defined in Rule 1.1(ccc)) in at least the lesser of 99% of the non-adjusted option series or 100% of the non-adjusted option series minus one call-put pair, with the term "call-put pair" referring to one call and one put that cover the same underlying instrument and have the same expiration date and exercise price, and assure that its disseminated market quotations are accurate. Compliance with this quoting obligation applies to all of a DPM's allocated classes collectively. The Exchange will determine compliance by a DPM with this quoting obligation on a monthly basis. However, determining compliance with this obligation on a monthly basis does not relieve a DPM from meeting this obligation on a daily basis, nor does it prohibit the Exchange from taking disciplinary action against DPM for failing to meet this obligation each trading day. See Rule 8.85(a)(i). Accordingly, under proposed Rule 6.18(b)(iv)(B), during use of the back-up data center, the Exchange could require that Market-Makers in SPXW provide continuous electronic quotes in up to 99% of the non-adjusted option series or 100% of the non-adjusted option series minus one call-put pair.

¹² In accordance with Rule 1001(a)(2)(v) of Regulation SCI, the Exchange maintains written policies and procedures reasonably designed to ensure that its trading systems (including with respect to both the Exchange's primary and back-up data center trading systems), have levels of capacity, integrity, resiliency, availability, and security adequate to maintain the Exchange's operational capability and promote the maintenance of fair and orderly markets, including, but not limited to business continuity and disaster recovery plans that are reasonably designed to achieve next two-hour resumption of its critical SCI systems, as defined in Rule 1000 of Regulation SCI. See Securities Exchange Act Release No. 73639 (November 19, 2014), 79 FR 72252 (December 5, 2014) (Regulation Systems Compliance and Integrity) (File No. S7-01-13). Notably, the Exchange employs business continuity and disaster recovery standards reasonably designed to achieve

6.18(b)(iv)(B) would also provide that the Exchange would notify market participants of any such additional temporary requirements prior to implementation in a reasonable manner as determined by the Exchange.¹³ The Exchange believes this extended authority would afford the Exchange with necessary flexibility to address unexpected contingencies that may arise if a disaster or other unusual circumstances occur, causing the Exchange to use the back-up data center and help ensure that the Exchange operate a fair and orderly market in the event of a market emergency. The Exchange also proposes non-substantive changes to the lettering in paragraph (b)(iv) to accommodate the addition of new Rule 6.18(b)(iv)(B). Accordingly, current Rule 6.18(b)(iv)(B) would become Rule 6.18(b)(iv)(C), and current Rule 6.18(b)(iv)(C) would become Rule 6.18(b)(iv)(D).

The Exchange proposes to add Rule 6.18(c) (Operation via Open Outcry), which would provide that if the Exchange's primary and back-up data centers become inoperable or otherwise unavailable for use due to a significant systems failure, disaster, or other unusual circumstances, in the interests of maintaining fair and orderly markets or for the protection of investors, the Exchange may determine, on a class-by-class basis, to temporarily allow trading in its exclusively-licensed and/or proprietary products¹⁴ in an exclusively floor-based environment via open outcry in order to preserve the Exchange's ability to conduct business in those option classes.¹⁵ Similar to the Exchange's authority in current Rule 6.18(c) (proposed Rule 6.18(d)), which permits the Exchange to operate in a screen-based only environment if the trading floor facility is inoperable, proposed Rule 6.18(c) would afford the Exchange necessary flexibility to temporarily operate in open outcry in order to trade certain classes of options that are either proprietary or exclusively-licensed in the event that the Exchange's primary and back-up

two-hour resumption of all trading systems that are essential to conducting business on the Exchange and which the Exchange believes are reasonably designed to support resumption in a significantly shorter amount of time, including, but not limited to with respect to those systems that are essential to the trading of proprietary products and products exclusively licensed for trading on the Exchange.

¹³ The Exchange would make these notifications on the Systems Notification page on the Exchange's Web site, via the Exchange's Order Management Terminals ("OMTs"), via an Exchange-used messaging service, and/or other reasonable notification mechanisms.

¹⁴ See *supra* at note 8.

¹⁵ See *supra* at note 12.

data centers are inoperable due to a significant systems failure, disaster, or other unusual circumstances. The Exchange believes that the providing authority for it to temporarily operate in an exclusively floor-based environment in such a situation would help ensure the Exchange's ability to continue to conduct business and help preserve the Exchange's ability to continuously provide fair and orderly markets in classes of options that are only traded on CBOE or exclusively-licensed to CBOE. The Exchange also proposes non-substantive changes to the lettering in Rule 6.18 to accommodate the addition of new Rule 6.18(c). Accordingly, current Rule 6.18(c) would become Rule 6.18(d).

The Exchange also proposes to add Rule 6.18(e) (Deactivation of Certain Systems), which would provide that in the event of a systems disruption or malfunction, security intrusion, systems compliance issue, or other unusual circumstances, the Exchange may, in accordance with the Rules or if necessary to maintain fair and orderly markets or to protect investors, temporarily deactivate certain systems or systems functionalities that are not essential to conducting business on the Exchange. Many of the systems and systems functionalities described in the Rules are provided optionally by the Exchange to enhance participants' trading experience, but are not required to be active under the Rules and are not necessary for the Exchange to conduct business.¹⁶ As is described in the Rules, many of the Exchange's systems functionalities may be made available (or unavailable) by the Exchange on a class-by-class basis. Such systems and systems functionalities that are non-essential to conducting business on the Exchange include, but are not limited to, Public Automated Routing ("PAR")¹⁷ workstations, the Automated Improvement Mechanism ("AIM"),¹⁸ and the Solicitation Auction Mechanism ("SAM").¹⁹

In addition, the activation of other functionalities may not be described by rule, but could be suspended temporarily (e.g., until the earlier of the end of a trading session or until systems disruptions could be remedied) if disruption or malfunction of that functionality were to interfere with the Exchange's ability to conduct business in a fair and orderly manner. For example, if a certain order type were to

¹⁶ See, e.g., Rules 6.2, 6.2A, 6.2B, 6.12, 6.13, 6.13A, 6.13B, 6.14A, 6.53, 6.53C, 6.74A, and 6.74B.

¹⁷ See generally Rule 6.12, Rule 6.12A.

¹⁸ See generally Rule 6.74A.

¹⁹ See generally Rule 6.74B.

cause a wider system malfunction or a certain complex order product could not be created without triggering widespread systems issues²⁰ the Exchange might announce, via its systems status page or otherwise, the suspension of the availability of that order type or complex product. If such an event impacts a non-essential system or system functionality, the Exchange may deem it necessary to maintain fair and orderly markets to deactivate that system or functionality until any issues are resolved to prevent any potential harm to investors. Proposed Rule 6.18(e) would also provide that the Exchange would notify market participants of any such deactivation, and subsequent reactivation, promptly and in a reasonable manner determined by the Exchange. The Exchange may make these notifications on the Systems Notification page on the Exchange's Web site, via the OMT, via an Exchange-used messaging service such as SendWordNow²¹ Regulatory Circular, and/or other reasonable notification mechanisms.

Finally, the Exchange proposes Rule 6.18(f) (Connectivity Restriction), which would permit the Exchange to temporarily restrict a TPH's or associated person's access to the Hybrid Trading System or other electronic trading systems if it is determined by the President (or senior-level designee) of the Exchange, that because of a systems issue, such access threatens the Exchange's ability to operate systems essential to the maintenance of fair and orderly markets.²² Such access would remain restricted until the end of the trading session or an earlier time if the President (or senior-level designee) of

the Exchange, in consultation with the affected TPH(s), determines that lifting the restriction no longer poses a threat to the Exchange's ability to operate systems essential to conducting business or continuing to maintain a fair and orderly market on the Exchange or to investors.²³ In the current electronic trading environment, if a TPH's systems malfunctions or is compromised, it could disrupt the Exchange's systems or market or harm other investors. For example, software malfunctions may pose a risk to the Exchange's systems, investors, and the general public without proper risk controls. Proposed Rule 6.18(f) would simply give the Exchange the authority to activate additional risk controls to stem the access of a TPH that has experienced a systems disruption or malfunction, which poses undue risk to the Exchange.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.²⁴ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)²⁵ 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)²⁶ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

²³ In determining whether to a TPH's access threatens the Exchange's ability to operate systems essential to the maintenance of fair and orderly markets and/or determining that lifting the restriction no longer poses a threat to the Exchange's ability to operate systems essential to conducting business or continuing to maintain a fair and orderly market on the Exchange or to investors, a designee of the President of the Exchange would only be charged with making such determinations in the President of the Exchange's absence. In such cases, the designee would be a senior executive (*i.e.* Vice President or above) of the Exchange.

²⁴ 15 U.S.C. 78f(b).

²⁵ 15 U.S.C. 78f(b)(5).

²⁶ *Id.*

The proposed rule change is designed to promote the Exchange's ability to ensure the continued operation of a fair and orderly market in the event of a systems failure, disaster, or other unusual circumstances that might threaten the ability to conduct business on the Exchange. The Exchange recognizes that switching operations to the back-up data center may occur in times of uncertainty or great volatility in the markets. It is at these times that the investors may have the greatest need for viable, trustworthy marketplaces. The proposed rule change seeks to ensure that such a marketplace will exist when most needed and thus, the Exchange believes that the proposed rule protects investors in the most fundamental sense.

In particular, the Exchange believes that proposed Rule 6.18(b)(iv)(B) allowing the Exchange, during the use of the back-up data center to (1) establish heightened quoting obligations for Designated BCP/DR Participants in a class in which the Designated BCP/DR Participant is already an appointed Lead Market-Maker or Market-Maker up to the standards specified for Designated Primary Market-Makers specified in Rule 8.85(a) and/or (2) disallow the ability to deselect an appointment intraday in a class in which the Designated BCP/DR Participant is already an appointed Market-Maker would help ensure the maintenance of a fair and orderly market in the event of a disaster, which is in the interests of all market participants, investors, and the general public. The Exchange believes that adopting rules that help ensure that markets are open and available during times of turmoil and emergency is an important goal consistent with the Act. In the same vein, the Exchange believes that proposed Rule 6.18(c), which would permit the Exchange, in the interests of maintaining fair and orderly markets or for the protection of investors, to temporarily allow trading in certain proprietary and exclusively-licensed options classes, which only trade on the Exchange or the Exchange and the Exchange's affiliated exchanges, in an exclusively floor-based environment via open outcry to preserve the Exchange's ability to conduct business on the Exchange in those option classes. The Exchange believes that this proposed provision would help the Exchange maintain fair and orderly markets in these classes during a disaster situation and would serve the interests of market participants, investors, and the general public by helping to ensure that the Exchange's proprietary and exclusively-licensed

²⁰ For example, if the creation of a certain complex order product (*e.g.* the October/November calendar spread in class XYZ) were to cause significant trading disruptions in an entire class (*e.g.*, trading in all of XYZ), the Exchange might determine to turn off calendar spreads or complex orders in general in the class in order to help ensure that regular trading (*i.e.* trading of simple orders) in the class remained available. Notably, Rule 6.53C permits the Exchange to determine which classes and which complex order origin types (*i.e.*, non-broker-dealer public customer, broker-dealers that are not Market-Makers or specialists on an options exchange, and/or Market-Makers or specialists on an options exchange) are eligible for entry into the COB and whether such complex orders can route directly to the COB and/or from PAR to the COB. Note also, in this case, if the Exchange were to suspend such complex order types, complex products could still be "created" by legging.

²¹ See CBOE Regulatory Circular RG14-030 (Send Word Now Smart Notification Services).

²² In such cases, the Exchange would make efforts to contact the affected TPH immediately before or contemporaneously with the restriction of access to the Hybrid Trading System to the extent possible while protecting the Exchange's ability to operate systems essential to the maintenance of fair and orderly markets.

products remain available for trading in the event of a significant systems failure, disaster, or other unusual circumstances. The Exchange also believes that deactivation of certain systems in proposed Rule 6.18(e), whether by rule or otherwise, in order to ensure that the Exchange is able to provide a fair and orderly market in the face of systems disruptions and malfunction is in the best interests of market participants, investors, and the general public.

Similarly, the Exchange believes that the proposed connectivity restriction in proposed Rule 6.18(f) would help ensure that the Exchange remains open and available to all market participants. The Exchange notes that other connectivity restrictions are already in place on the Exchange.²⁷ Furthermore, the Exchange believes that proposed Rule 6.18(f) is consistent with Section 6(b)(7)²⁸ of the Act, which requires the Exchange to adopt rules that provide a fair procedure for the disciplining of members and persons associated with members, the denial of membership to any person seeking membership therein, the barring of any person from becoming associated with a member thereof, and the prohibition or limitation by the exchange of any person with respect to access to services offered by the exchange or a member thereof. The Exchange notes that proposed Rule 6.18(f) is not aimed at denying access to a particular TPH, but rather making sure that the Exchange remains accessible to all other TPHs that do not threaten the Exchange's ability to conduct normal business operations. The Exchange notes that as soon as the President of the

Exchange (or designee), working with the TPH organization that poses a threat to the Exchange, were able to confirm that the TPH organization no longer posed such a threat, access to the Exchange would be restored to that TPH. The Exchange believes that this is a fair result and is in the best interests of all market participants, investors, and the general public.

The Exchange also believes that the proposed rule change promotes just and equitable principles of trade by adding detail and clarity to the Rules. The proposed rule change seeks to provide additional clarity to the Exchange's disaster recovery rules, putting all market participants on notice as to how the Exchange will function in case of significant systems disruption or other disaster situation. The Exchange is continuously updating the Rules to provide additional detail, clarity, and transparency regarding its operations and trading systems and regulatory authority. The Exchange believes that the adoption of detailed, clear, and transparent rules reduces burdens on competition and promotes just and equitable principles of trade. The Exchange also believes that adding greater detail to the Rules regarding the Exchange's ability to ensure the continuous operation of the market and preserve the ability to conduct business on the Exchange will increase confidence in the markets and encourage wider participation in the markets and greater investment.

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. Rather, the proposed rule change will help ensure that competitive markets remain operative in the event of a systems failure or other disaster event. The Exchange notes that the proposed rule change is designed to provide the Exchange with authority to require market participants to participate in, and provide necessary liquidity to, the market to ensure that the Exchange functions in a fair and orderly manner in the event of a significant systems failure, disaster, or other unusual circumstances. Accordingly, the Exchange believes that the proposed rule change is designed to ensure fair and competitive markets at time when they may be most needed.

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 written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

- A. By order approve or disapprove such proposed rule change, or
- B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-CBOE-2017-044 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-CBOE-2017-044. 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

²⁷ See, e.g., Rules 6.23A (Trading Permit Holder Connectivity) and 6.23C (Technical Disconnect). Under Rule 6.23A(b), the Exchange may limit the number of messages sent by Trading Permit Holders accessing the Exchange electronically in order to protect the integrity of the Hybrid trading system. In addition, the Exchange may impose restrictions on the use of a computer connected through an application programming interface ("API") if it believes such restrictions are necessary to ensure the proper performance of the system. Any such restrictions shall be objectively determined and submitted to the Commission for approval pursuant to a rule change filing under Section 19(b) of the Exchange Act. Under Rule 6.23C(a), when a CBOE Application Server ("CAS") loses communication with a Client Application such that a CAS does not receive an appropriate response to a Heartbeat Request within "x" period of time, the Technical Disconnect Mechanism will automatically logoff the Trading Permit Holder's affected Client Application and automatically cancel all the Trading Permit Holder's Market-Maker quotes, if applicable, and open orders with a time-in-force of "day" resting in the Book (which excludes orders resting on a PAR workstation or order management terminal) ("day orders"), if the Trading Permit Holder enables that optional service, posted through the affected Client Application.

²⁸ 15 U.S.C. 78f(b)(7).

provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments 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-2017-044, and should be submitted on or before June 30, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁹

Robert W. Errett,
Deputy Secretary.

[FR Doc. 2017-11962 Filed 6-8-17; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15153 and #15154; Missouri Disaster #MO-00082]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Missouri

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Missouri (FEMA-4317-DR), dated 06/02/2017.

Incident: Severe Storms, Tornadoes, Straight-line Winds, and Flooding.

Incident Period: 04/28/2017 through 05/11/2017.

DATES: Effective 06/02/2017.

Physical Loan Application Deadline Date: 08/01/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 03/02/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the

President's major disaster declaration on 06/02/2017, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Barry, Barton, Bollinger, Butler, Camden, Carter, Cedar, Christian, Cole, Crawford, Dade, Dallas, Dent, Douglas, Dunklin, Franklin, Gasconade, Howell, Iron, Jefferson, Lawrence, Madison, Maries, McDonald, Miller, Morgan, Newton, Oregon, Osage, Ozark, Perry, Phelps, Pike, Pulaski, Ralls, Reynolds, Ripley, Saint Louis, Shannon, Stone, Taney, Texas, Washington, Wayne, Webster, Wright.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Non-Profit Organizations with Credit Available Elsewhere ...	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
<i>For Economic Injury:</i>	
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 151536 and for economic injury is 151546.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,
Associate Administrator for Disaster Assistance.

[FR Doc. 2017-11971 Filed 6-8-17; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15151 and #15152; Missouri Disaster #MO-00081]

Presidential Declaration of a Major Disaster for the State of Missouri

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of MISSOURI (FEMA-4317-DR), dated 06/02/2017.

Incident: Severe Storms, Tornadoes, Straight-line Winds, and Flooding.

Incident Period: 04/28/2017 through 05/11/2017.

DATES: Effective 06/02/2017.

Physical Loan Application Deadline Date: 08/01/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 03/02/2018.

ADDRESS: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 06/02/2017, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Bollinger, Butler, Carter, Douglas, Dunklin, Franklin, Gasconade, Howell, Jasper, Jefferson, Madison, Maries, McDonald, Newton, Oregon, Osage, Ozark, Pemiscot, Phelps, Pulaski, Reynolds, Ripley, Saint Louis, Shannon, Stone, Taney, Texas.

Contiguous Counties (Economic Injury Loans Only):

Missouri: Barry, Barton, Callaway, Camden, Cape Girardeau, Christian, Cole, Crawford, Dade, Dent, Iron, Laclede, Lawrence, Miller, Montgomery, New Madrid, Perry, Saint Charles, Saint Francois, Saint Louis City, Sainte Genevieve, Stoddard, Warren, Washington, Wayne, Webster, Wright.

Arkansas: Baxter, Benton, Boone, Carroll, Clay, Craighead, Fulton, Greene, Marion, Mississippi, Randolph, Sharp.

Illinois: Madison, Monroe, Saint Clair.

Kansas: Cherokee, Crawford.

Oklahoma: Delaware, Ottawa.

Tennessee: Dyer, Lake.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere	3.875
Homeowners without Credit Available Elsewhere	1.938
Businesses with Credit Available Elsewhere	6.430
Businesses without Credit Available Elsewhere	3.215
Non-Profit Organizations with Credit Available Elsewhere ...	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500

²⁹ 17 CFR 200.30-3(a)(12).

	Percent
<i>For Economic Injury:</i>	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.215
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 151516 and for economic injury is 151520.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,
Associate Administrator for Disaster Assistance.

[FR Doc. 2017-11973 Filed 6-8-17; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15149 and #15150; New Hampshire Disaster #NH-00037]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of New Hampshire

AGENCY: U.S. Small Business Administration.

ACTION: Notice

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of New Hampshire (FEMA-4316-DR), dated 06/01/2017.

Incident: Severe Winter Storm.

Incident Period: 03/14/2017 through 03/15/2017.

DATES: Effective 06/01/2017.

Physical Loan Application Deadline Date: 07/31/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 03/01/2018.

ADDRESS: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 06/01/2017, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Belknap, Carroll.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Non-Profit Organizations with Credit Available Elsewhere ...	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
<i>For Economic Injury:</i>	
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15149B and for economic injury is 15150B

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,
Associate Administrator for Disaster Assistance.

[FR Doc. 2017-11972 Filed 6-8-17; 8:45 am]

BILLING CODE 8025-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. MCF 21076 ¹]

Lone Star Coaches, Inc.—Control—Tri-City Charter of Bossier, Inc.

AGENCY: Surface Transportation Board.

ACTION: Notice Tentatively Approving and Authorizing Finance Transaction.

SUMMARY: On May 12, 2017, Lone Star Coaches, Inc. (Lone Star) filed an application to acquire Tri-City Charter of Bossier, Inc. (Tri-City Charter).² Lone Star and Tri-City Charter are each federally registered, passenger motor carriers that are in the process of consolidating parts of their operations while maintaining their distinct USDOT operating authorities. The Board is tentatively approving and authorizing the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action. Persons wishing to oppose the application must follow the rules.

DATES: Comments must be filed by July 24, 2017. Lone Star may file a reply by August 8, 2017. If no comments are filed by July 24, 2017, this notice shall be effective on July 25, 2017.

ADDRESSES: Send an original and 10 copies of any comments referring to

¹ Concurrent with its application, Lone Star also filed, in Docket No. MCF 21076 TA, a request under 49 U.S.C. 14303(i) to operate the assets to be acquired on an interim basis pending approval of the acquisition. The Board will address that request in a separate decision.

² Lone Star made a supplemental filing on May 31, 2017.

Docket No. MCF 21076 to: Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, send one copy of comments to: Mark Steelman, President, Lone Star Coaches, Inc., P.O. Box 531668, Grand Prairie, TX 75053.

FOR FURTHER INFORMATION CONTACT: Sarah Fancher (202) 245-0355. Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339.

SUPPLEMENTARY INFORMATION: Lone Star asserts the following facts. Lone Star (MC-153014) is a corporation under Texas law that is not affiliated with any other motor carriers. The company provides charter, tour, and local intercity and intracity transportation in the Dallas, Fort Worth, Abilene, Tyler, Grand Prairie, Waco, and Austin markets. It currently operates 26 commercial motor vehicles, specifically over-the-road motorcoaches. Tri-City Charter (MC-370884) is a corporation under Louisiana law that is not affiliated with any other motor carriers. Tri-City Charter provides charter service in Louisiana, Texas, and other parts of the southeast United States with 17 motorcoaches.

Lone Star states that, under the proposed transaction, it will acquire 100 percent control of Tri-City Charter. Tri-City Charter will continue to operate as a sub-division of Lone Star and maintain its interstate and intrastate operating authorities. The parties do not contemplate any significant change in Tri-City Charter's operations as a result of the transaction.

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction that it finds consistent with the public interest, taking into consideration at least: (1) The effect of the proposed transaction on the adequacy of transportation to the public; (2) the total fixed charges that result from the proposed transaction; and (3) the interest of carrier employees affected by the proposed transaction. Lone Star submitted information, as required by 49 CFR 1182.2, including information to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b), and a statement that the aggregate gross operating revenues of Lone Star and Tri-City Charter exceeded \$2 million for the preceding 12-month period as required under 49 U.S.C. 14303(g).³

Lone Star submits that the proposed transaction will not have an adverse impact on the adequacy of transportation services available to the

³ Applicants with gross operating revenues exceeding \$2 million are also required to meet the requirements of 49 CFR 1182.2(a)(5).

public. The transaction will enable the carriers to engage in vehicle sharing arrangements, to better utilize sales and field operations personnel, and to bring certain management functions together for more efficient management of the overall enterprise. According to Lone Star, the transaction will allow the companies to take advantage of better financial terms, which will allow them to replace aging vehicles and to purchase newer, more energy efficient vehicles on more favorable terms. The transaction will allow the carriers to maximize the use of personnel and equipment and to use debt restructuring to increase investment into their companies. Lone Star states that the carriers will be able to serve their existing geographic areas and customer bases more efficiently and effectively and that they do not anticipate any reduction in current service levels. According to Lone Star, the transaction will enable the carriers to leverage the combination of companies to grow the businesses of each individual carrier, resulting in the same or greater level of transportation to the public.

Lone Star also submits that the transaction will not have a material adverse effect on competition. According to Lone Star, the companies do not plan to significantly alter their current operations but merely wish to take advantage of efficiencies gained through working under one corporate structure. Lone Star argues that the areas served by the carriers are subject to robust competition, with over 15 interstate transportation providers offering charter and tour service in the Dallas/Fort Worth area alone. Lone Star estimates that interstate and intrastate carriers in the Dallas/Fort Worth market generate over \$150 million in annual revenues and operate approximately 670 vehicles (including sedans, mini buses, and motor coaches). Lone Star estimates that the combined revenues of Lone Star Coaches and Tri-City Charter will be less than 5% of the Dallas/Fort Worth market and will account for about thirty vehicles in the local market. Lone Star also notes that the areas served by the carriers are largely separate and distinct with a small amount of overlap in larger markets. Lone Star argues that the transaction will not result in any consolidation of market power in any relevant market, because the companies will maintain their separate identities and be responsible for their own operations within the larger corporate family. Lone Star submits that the efficiencies associated with merging two companies under one corporate structure will enable the carriers to

continue to compete with other carriers. Lone Star asserts that the lack of barriers to entry in the charter and tour business makes the business contestable on a trip-by-trip basis and reduces the risk of a carrier abusing its market power.

Regarding fixed charges, Lone Star states that the restructuring of day-to-day operations will allow Lone Star to lower operational costs and continue to provide affordable passenger-carrier transportation services.

According to Lone Star, the transaction will not have an overall negative impact on employees. The transaction will enable the parties to consolidate some headquarters and administrative personnel. Lone Star states that labor force additions in higher paying sales and field operations personnel in multiple cities will offset any personnel contraction across Texas and Louisiana. Over time, the companies will be able to grow by taking advantage of economies of scale, better financial terms, and increased buying power, resulting in additions to driver and non-driver personnel.

On the basis of the application, the Board finds that the proposed acquisition is consistent with the public interest and should be tentatively approved and authorized. If any opposing comments are timely filed, these findings will be deemed vacated, and, if a final decision cannot be made on the record as developed, a procedural schedule will be adopted to reconsider the application. See 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this notice will take effect automatically and will be the final Board action.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available on our Web site at WWW.STB.GOV.

It is ordered:

1. The proposed transaction is approved and authorized, subject to the filing of opposing comments.
2. If opposing comments are timely filed, the findings made in this notice will be deemed as having been vacated.
3. Notice of this decision will be published in the **Federal Register**.
4. This notice will be effective July 25, 2017, unless opposing comments are filed by July 24, 2017.
5. A copy of this notice will be served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania

Avenue NW., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590.

Decided: June 6, 2017.

By the Board, Board Members Begeman, Elliott, and Miller.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2017-12011 Filed 6-8-17; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2017-0054]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From United Parcel Service Inc.

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

ACTION: Notice of application for exemption; request for comments.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) requests public comment on an application from United Parcel Service, Inc. (UPS) for exemption from various provisions of the mandate to use electronic logging devices (ELDs). Specifically, UPS is requesting an exemption (1) to allow an alternative ELD phase-in method for fleets using compliant automatic on-board recording devices (AOBRDs); (2) from the requirement that an ELD automatically record certain data elements upon a duty status change when a driver is not in the vehicle; (3) to allow ELDs to be configured with a special driving mode for yard moves that does not require the driver to re-input yard move status every time the tractor is powered off; and (4) to allow vehicle movements of less than one mile on UPS property by non-CDL UPS drivers to be annotated as "on property—other." UPS believes that the requested temporary exemptions will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

DATES: Comments must be received on or before July 10, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-2017-0054 using any of the following methods:

- *Web site:* <http://www.regulations.gov>. Follow the

instructions for submitting comments on the Federal electronic docket site.

- *Fax:* 1-202-493-2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

- *Hand Delivery:* Ground Floor, Room W12-140, DOT Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday-Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the exemption process, see the “Public Participation” heading below. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the “Privacy Act” heading for further information.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or to Room W12-140, DOT Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

Public participation: The <http://www.regulations.gov> Web site is generally available 24 hours each day, 365 days each year. You may find electronic submission and retrieval help and guidelines under the “help” section of the <http://www.regulations.gov> Web site as well as the DOT’s <http://docketsinfo.dot.gov> Web site. If you would like notification that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments online.

FOR FURTHER INFORMATION CONTACT: Mrs. Amina Fisher, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC-PSV, (202) 366-2782, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION:

Background

Section 4007 of the Transportation Equity Act for the 21st Century (TEA-21) [Pub. L. 105-178, June 9, 1998, 112 Stat. 401] amended 49 U.S.C. 31315 and 31136(e) to provide authority to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). On August 20, 2004, FMCSA published a final rule (69 FR 51589) implementing section 4007. Under this rule, FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved by the current regulation (49 CFR 381.305).

The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)). If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must specify the effective period of the exemption (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.315(c) and 49 CFR 381.300(b)).

UPS Application for Exemption

UPS has applied for an exemption from various provisions of 49 CFR part 395 regarding the use of ELDs. Specifically, UPS has requested a temporary exemption (1) to allow an alternative ELD phase-in method for fleets using compliant automatic on-board recording devices (AOBRDs); (2) from the requirement that an ELD automatically record certain data elements upon a duty status change when a driver is not in the vehicle; (3) to allow ELDs to be configured with a special driving mode for yard moves that does not require the driver to re-input yard move status every time the tractor is powered off; and (4) to allow vehicle movements of less than one mile conducted on UPS property by non-CDL UPS drivers to be annotated as “on property—other.” A copy of the application is included in the docket

referenced at the beginning of this notice.

Alternative ELD Phase-In Method

Subject to limited exceptions, section 395.8(a)(1)(i) of the FMCSRs requires motor carriers to install and use ELDs that comply with the technical specifications prescribed for those devices no later than December 18, 2017. However, section 395.8(a)(1)(ii) allows a motor carrier that installs, and requires its drivers to use, compliant AOBRDs before the December 18, 2017, compliance date to continue to use those AOBRDs until December 16, 2019, thereby providing a 2-year grandfather period for devices installed prior to the compliance date.

In support of its application, UPS states:

UPS firmly believes that the best way to transition its operations from AOBRDs to ELDs will be on a site-by-site basis. UPS currently plans to convert approximately 2800 tractors at approximately 35 sites from AOBRDs to ELDs in 2017, and plans to convert the remaining tractors (at 141 sites) during 2018. Deploying ELDs by site will minimize the significant costs, including training costs, related to moving the fleet and workforce from AOBRDs to ELDs. A site-by-site approach will also minimize the risk of errors and confusion that would be encountered if two different types of devices were used simultaneously at a given location.

The difficulty large motor carriers like UPS face is with FMCSA’s decision to permit grandfathering only on a vehicle, and not a fleet-wide basis. UPS plans to purchase approximately 1530 new tractors in 2018, *i.e.*, after the grandfathering deadline but before the ELD implementation date for grandfathered vehicles. Of these, 1061 will replace existing tractors (the majority of which are currently using AOBRDs) that have reached the end of life, and 469 will be new tractors to accommodate projected growth. These new tractors will be delivered to UPS facilities across the country consistent with operational needs. At a typical location, approximately 12 percent of tractors would be newly purchased.

If no temporary exemption were granted, large carriers would be required to use ELDs in all of the new tractors delivered after 12/18/2017. The result would be that UPS facilities that had not been converted as of that date would have both vehicles using ELDs at the same time.

It is routine for all UPS drivers at a given location to use multiple tractors in the course of a week or month. If a site had both vehicles using AOBRDs and vehicles using ELDs, under UPS’s current business practices, drivers would necessarily be using both types of devices. This would create complex and difficult situations to manage. For example, if a driver used both an AOBRD and an ELD during the course of a week, there would not be a single, complete log reflecting the driver’s hours of service. If, on the other hand, each driver at a given location were restricted to only the vehicles

at that location using AOBDRs or only the vehicles at that location using ELDs, that would cause significant operational disruption and inefficiency.

In addition to drivers, UPS exempt employees' fuel, shift and work on tractors in the yard. If vehicles using ELDs were deployed to a site where the majority of vehicles still used AOBDRs, these employees would have to be trained to identify ELD tractors and comply with ELD requirements, while simultaneously working with vehicles using AOBDRs. Furthermore, UPS would incur significant cost to train and deploy ELDs for these few exceptions, and the deployment team would also need to return to the site at a later date to finish ELD deployment on the rest of the fleet.

Based on the above, UPS requests an exemption from section 395.8(a)(1)(i) to allow the installation of AOBDRs on new truck tractors delivered to UPS sites after the December 18, 2017 compliance date, where the existing vehicles at that site are equipped with compliant AOBDRs. UPS believes that using a site-based approach, as described above, will (1) eliminate confusion on the part of drivers and other personnel that would result from using both ELDs and AOBDRs at the same location, and (2) avoid operational and potential enforcement issues that could arise from a driver using different types of devices to record hour-of-service over a given period of time. UPS states that under the proposed temporary exemption, all vehicles will be fully ELD-compliant by the expiration date of the AOBDR grandfather period specified in section 395.8(a)(1)(ii), December 16, 2019.

Recording of ELD Data Elements

An ELD is required to automatically record a number of specific data elements at certain events, to include (1) when a driver indicates a change of duty status under section 395.24(b) (see section 395.26(c)), and (2) when an authorized user logs into or out of an ELD (see section 395.26(g)).

In support of its application, UPS states:

All UPS drivers are covered under a bargaining unit agreement between the Teamsters Union and UPS. Under that agreement, UPS drivers are, for the most part, paid by the hour. UPS drivers use electronic devices and punch in for work on those devices while they are still in the dispatch building. They then walk to their vehicle and inspect the vehicle prior to moving the tractor. Upon implementation of the ELD rule UPS will be using FMCSR-compliant portable, driver-based ELD devices.

Similarly, at the end of a work day all UPS drivers walk from their vehicles to a UPS dispatch office and then clock out using the AOBDR devices once all work is done. UPS drivers perform many other duties away from

the tractor including training, attending safety meetings and working in the facility. In a typical UPS location, UPS drivers spend an average of 24 minutes prior to entering the vehicle and 22 minutes after exiting the vehicle on the clock. Significantly, in many situations the vehicle an employee will be, or was, using will be occupied by another employee while the employee is still on duty for UPS.

UPS cannot both comply with the requirement that an ELD record tractor data when a driver logs in or out (or otherwise changes duty status while outside of the vehicle) and also comply with our bargaining unit contract and pay guidelines for our drivers.

Based on the above, UPS requests an exemption from the requirement to record the specific data elements identified in sections 395.26(c) and 395.26(g) if the driver is not in the vehicle when (1) the driver indicates a change of duty status, or (2) an authorized user logs into or out of an ELD, respectively. Instead, to assure accurate recording of on-duty, not driving time, UPS proposes that it will "systematically annotate that the driver was performing other work." UPS believes that the proposed exemption "will have no impact on the recordation of driving time" as all required vehicle data will be recorded when the driver is in the vehicle, and "the tractor data that would not be recorded when the driver is not in the vehicle is not relevant to assessing the accurate recordation of 'on-duty, not driving' time."

Special Driving Mode for Yard Moves

Section 395.28(a) of the FMCSRs permits a motor carrier to configure an ELD to authorize a driver to indicate that the driver is operating a commercial motor vehicle (CMV) under certain special driving categories, including (1) authorized personal use, and (2) and yard moves. Section 395.28(a)(2) requires a driver to select the applicable special driving category on the ELD before the start of the status, and to deselect it when the indicated status ends.

In support of its application, UPS states:

UPS is requesting a temporary exemption to allow a special driving mode for yard moves that will not require a driver to repeatedly indicate that status.

Most of UPS's feeder drivers are required to complete yard moves as part of their scheduled work. This entails the driver moving trailers that are already sitting uncoupled on a yard as well as coupling or uncoupling inbound and outbound trailers. Not only do feeder drivers perform yard moves at the beginning or end of trips, they sometimes are assigned to yard duty for a portion of their shifts, which can entail moving as many as 10 loads per hour within the yard.

As a safety precaution, UPS requires our drivers to remove the keys each time they exit the tractor. Consistent with this requirement, they driver will power the tractor down to couple a trailer and then power the tractor down again to uncouple. An average UPS site has over 100 drivers, with the majority of drivers completing several yard moves in the course of a day. The ELD rule would require drivers to manually change duty status twice for every move they complete in the yard, which could mean entering manual changes as many as 20 times in an hour. The average UPS RODS driver completes a minimum of 9 yard moves per day. This will impose costs on UPS in time spent by drivers manually inputting the yard move mode. UPS estimates that the yearly cost to UPS for a single button push (.35 sec) at each of these yard move ignition cycles would come to approximately \$460,000. In addition, driver and administrative time would need to be spent reconciling records if drivers fail to appropriately record yard move time.

Based on the above, UPS requests an exemption from section 395.28(a)(2)(i) to allow its drivers to select "yard move" status and remain in that status even if the vehicle's ignition is cycled off and back on. Under the proposed temporary exemption, and assuming that the driver does not go off duty after performing the yard moves, UPS states that the ELD would switch to a "driving" duty status under section 395.24 if (1) the driver inputs "driving," (2) the vehicle exceeds 20 mph, or (3) the vehicle exits the geo-fenced yard. UPS notes that there is a posted speed limit of 15 mph on all of its yards, and that it already uses the proposed 20 mph threshold described above to trigger a designation of "driving" duty status in its AOBDRs as a means to identify drivers that do not manually annotate their departure from a UPS property.

Vehicle Use by Exempt Employees Operating on UPS Property

Section 395.26(h) of the FMCSRs requires an ELD to automatically record certain data elements when a CMV's engine is powered up or powered down.

In support of its application, UPS states:

In addition to its drivers, UPS currently employs 1434 people that wash or fuel vehicles. In the course of performing their duties, most of these employees operate vehicles in our fleet, but this operation is strictly limited to movements within UPS yards. A fuel employee will fuel as many as 60 vehicles during a shift.

Because they do not operate commercial motor vehicles on highways/public roads, UPS's wash and fuel employees are not "drivers" and, in turn, are not required to comply with the hours of service rules . . .

The final ELD rule requires that the ELD automatically record certain data when a

CMV's engine is powered up or powered down. See § 395.26(h). Because UPS will be using portable, driver-based ELDs, there will not be ELDs permanently installed in UPS vehicles. Therefore, insofar as the ELD regulations would require recordation of engine data for in yard operation of UPS vehicles by non-driver employees, that requirement would impose a significant burden on UPS. While it would be possible to provide these employees with portable ELDs to record engine data, doing so would be extremely costly. In addition to purchasing devices for each of these employees, UPS would have to purchase and maintain secure cabinets to store and charge these devices. In addition, UPS would have to develop a solution to reconcile these hours in a live environment. UPS would also have to employ individuals to annotate logs for data that was not reconciled.

UPS's technology group has had several meetings to explore options to account for engine miles and hours for operation of UPS vehicles by non-driver employees. In each solution, an employee would be required to enter a tractor number for each tractor and to log out of each tractor when they are finished even though they would be driving the vehicle less than 1 mile and within the yard. The employees would be doing this for as many as 10 hours a day and on a large number of tractors. When all factors are considered, the expense to account for a very small number of miles is extremely costly. UPS estimates that the cost would exceed \$1,000,000 dollars per year in added equipment and hourly expense.

Based on the above, UPS requests an exemption from section 395.26, and proposes to allow an alternative approach to track vehicle usage by wash and fuel employees on UPS property. Specifically, UPS proposes that vehicle usage of less than 1 mile by these exempt employees, conducted entirely on UPS property, be annotated on an ELD as "on property—other." UPS states that these miles could be easily identified using geo-fencing and time-card information for road drivers and other employees.

As noted in its application, UPS believes that each of the requested exemptions will result in substantial operational efficiencies, and will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemptions.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on UPS's application for an exemption from 49 CFR part 395. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the

location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Issued on: June 1, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017-11998 Filed 6-8-17; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2017-0103]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel NORTH TWIN; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 10, 2017.

ADDRESSES: Comments should refer to docket number MARAD-2017-0103. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime

Administration, 1200 New Jersey Avenue SE., Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email Bianca.carr@dot.gov.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel NORTH TWIN is:

—*Intended Commercial Use of Vessel:* "Sailboat Rides"

—*Geographic Region:* "Wisconsin, Minnesota, Michigan"

The complete application is given in DOT docket MARAD-2017-0103 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to www.regulations.gov, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.dot.gov/privacy. In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

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By Order of the Maritime Administrator.

Dated: June 6, 2017.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2017-11992 Filed 6-8-17; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION**Maritime Administration****[Docket No. MARAD-2017-0102]****Requested Administrative Waiver of the Coastwise Trade Laws: Vessel LADY KATLO; Invitation for Public Comments****AGENCY:** Maritime Administration, Department of Transportation.**ACTION:** Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 10, 2017.

ADDRESSES: Comments should refer to docket number MARAD-2017-0102. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email Bianca.carr@dot.gov.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel LADY KATLO is:

—*Intended Commercial Use of Vessel:* “Luxury sailing charter”
—*Geographic Region:* “Puerto Rico”

The complete application is given in DOT docket MARAD-2017-0102 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part

388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter’s interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD’s regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to www.regulations.gov, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.dot.gov/privacy. In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

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By Order of the Maritime Administrator.

Dated: June 6, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017-11991 Filed 6-8-17; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION**Maritime Administration****[Docket No. MARAD-2017-0101]****Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SOLSTIZIO; Invitation for Public Comments****AGENCY:** Maritime Administration, Department of Transportation.**ACTION:** Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by

MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 10, 2017.

ADDRESSES: Comments should refer to docket number MARAD-2017-0101. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email Bianca.carr@dot.gov.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SOLSTIZIO is:

—*Intended Commercial Use of Vessel:* “Six pack charters tours”
—*Geographic Region:* “California”

The complete application is given in DOT docket MARAD-2017-0101 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter’s interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD’s regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to www.regulations.gov, as described in

the system of records notice, DOT/ALL-14 FDMS, accessible through www.dot.gov/privacy. In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

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By Order of the Maritime Administrator.

Dated: June 6, 2017.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2017-11993 Filed 6-8-17; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2017-0104]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel BLISS; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 10, 2017.

ADDRESSES: Comments should refer to docket number MARAD-2017-0104. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except

Federal holidays. An electronic version of this document and all documents entered into this docket is available at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email Bianca.carr@dot.gov.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel BLISS is:

—*Intended Commercial Use of Vessel:* “Sailboat Rides”

—*Geographic Region:* “Michigan, Minnesota, Wisconsin”

The complete application is given in DOT docket MARAD-2017-0104 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter’s interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD’s regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to www.regulations.gov, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.dot.gov/privacy. In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Maritime Administrator.

Dated: June 6, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017-11990 Filed 6-8-17; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

[Docket No. TTB-2017-0003]

Proposed Information Collections; Comment Request (No. 64)

AGENCY: Alcohol and Tobacco Tax and Trade Bureau (TTB); Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of our continuing effort to reduce paperwork and respondent burden, and as required by the Paperwork Reduction Act of 1995, we invite comments on the proposed or continuing information collections listed below in this notice.

DATES: We must receive your written comments on or before August 8, 2017.

ADDRESSES: As described below, you may send comments on the information collections listed in this document using the “*Regulations.gov*” online comment form for this document, or you may send written comments via U.S. mail or hand delivery. TTB no longer accepts public comments via email or fax.

- *http://www.regulations.gov:* Use the comment form for this document posted within Docket No. TTB-2017-0003 on “*Regulations.gov*,” the Federal e-rulemaking portal, to submit comments via the Internet;

- *U.S. Mail:* Michael Hoover, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005.

- *Hand Delivery/Courier in Lieu of Mail:* Michael Hoover, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 400, Washington, DC 20005.

Please submit separate comments for each specific information collection listed in this document. You must reference the information collection’s title, form or recordkeeping requirement number, and OMB number (if any) in your comment.

You may view copies of this document, the information collections listed in it and any associated instructions, and all comments received in response to this document within Docket No. TTB-2017-0003 at <https://www.regulations.gov>

www.regulations.gov. A link to that docket is posted on the TTB Web site at <https://www.ttb.gov/forms/comment-on-form.shtml>. You may also obtain paper copies of this document, the information collections described in it and any associated instructions, and any comments received in response to this document by contacting Michael Hoover at the addresses or telephone number shown below.

FOR FURTHER INFORMATION CONTACT:

Michael Hoover, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; telephone (202) 453-1039, ext. 135; or email informationcollections@ttb.gov (please *do not* submit comments on this notice to this email address).

SUPPLEMENTARY INFORMATION:

Request for Comments

The Department of the Treasury and its Alcohol and Tobacco Tax and Trade Bureau (TTB), as part of a continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to comment on the proposed or continuing information collections listed below in this notice, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Comments submitted in response to this notice will be included or summarized in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments are part of the public record and subject to disclosure. Please do not include any confidential or inappropriate material in comments.

For each information collection listed below, we invite comments on: (a) Whether the information collection is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the information collection's burden; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the information collection's burden 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 the requested information.

Information Collections Open for Comment

Currently, we are seeking comments on the following information collections (forms, recordkeeping requirements, or questionnaires):

Title: Letterhead Applications and Notices Filed by Brewers; Brewer's Notice.

OMB Number: 1513-0005.

TTB Form Number: F 5130.10.

TTB Recordkeeping Number: REC 5130/2.

Abstract: The Internal Revenue Code (IRC) at 26 U.S.C. 5401 requires brewers to file a notice of intent to operate a brewery. Under this authority, TTB requires brewery applicants to submit TTB F 5130.10, the Brewer's Notice, which collects information similar to that collected on a permit application and, when approved by TTB, is a brewer's authorization to operate. The brewer maintains the approved Brewer's Notice and all associated documents at the brewery premises, in complete and current condition, readily available for inspection by an appropriate TTB officer. TTB regulations promulgated under the authority of the IRC also require that brewers submit letterhead applications or notices to conduct certain activities, such as to use a brewery for purposes other than those specifically authorized (see 26 U.S.C. 5411) or to operate a pilot brewery (see 26 U.S.C. 5417). Letterhead applications and notices are necessary to identify brewery activities so that TTB may ensure that proposed operations would comply with the IRC and would not jeopardize Federal revenue.

Current Actions: TTB is submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated number of burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 6,298.

Estimated Total Annual Burden Hours: 32,091.

Title: Application to Establish and Operate Wine Premises, and Wine Bond.

OMB Number: 1513-0009.

TTB Form Numbers: F 5120.25 and F 5120.36.

Abstract: The IRC at 26 U.S.C. 5351 through 5357 provides for the establishment of bonded wine cellars, bonded wineries, and taxpaid wine bottling houses and, to establish such wine premises, these IRC sections require the filing of applications and bonds. Under these authorities, TTB has issued TTB F 5120.25, Application to Establish and Operate Wine Premises, to collect information that TTB uses to determine the qualifications of an

applicant applying to establish and operate a new wine premises. Proprietors of established wine premises also use TTB F 5120.25 to report changes to required information such as location and ownership. Wine premises respondents use TTB F 5120.36, Wine Bond, to file bond coverage with TTB. The bond may be secured through a surety company or it may be secured with collateral (cash, Treasury Bonds or Treasury Notes). The bond protects the revenue by ensuring adequate assets are available to pay Federal excise tax liabilities.

Current Actions: TTB is submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated number of burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 4,495.

Estimated Total Annual Burden Hours: 3,345.

Title: Brewer's Bond and Brewer's Bond Continuation Certificate/Brewer's Collateral Bond and Brewer's Collateral Bond Continuation Certificate.

OMB Number: 1513-0015.

TTB Form Numbers: F 5130.22, F 5130.23, F 5130.25, and F 5130.27.

Abstract: Subject to the exemption in IRC at 26 U.S.C. 5551(d) for brewers eligible to pay excise taxes on an annual or quarterly basis, the IRC at 26 U.S.C. 5401(b) requires brewers to execute a bond to protect the revenue. The Brewer's Bond (TTB F 5130.22) is a contract between the brewer and an authorized surety company to provide such a bond. In lieu of a surety bond, brewers may furnish certain United States securities, cash, or cash equivalent as collateral to protect the revenue. The Brewer's Collateral Bond (TTB F 5130.25) is a form to facilitate this transaction. Also under the IRC at 26 U.S.C. 5401(b), brewers' bonds expire every four years. Instead of filing a new bond, a brewer may furnish a continuation certificate to extend the term of the bond, using the Brewer's Bond Continuation Certificate (TTB F 5130.23) or the Brewer's Collateral Bond Continuation Certificate (TTB F 5130.27), as appropriate.

Current Actions: TTB is submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated number of burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 652.

Estimated Total Annual Burden Hours: 364.

Title: Withdrawal of Spirits, Specially Denatured Spirits, or Wines for Exportation.

OMB Number: 1513-0037.

TTB Form Number: F 5100.11.

Abstract: The IRC, at 26 U.S.C. 5066, 5214, and 5362, provides that distilled spirits, denatured spirits, and wines may be withdrawn from internal revenue bonded premises without payment of the Federal excise tax for direct exportation or exportation to the armed forces of the United States, or for transfer to a foreign trade zone or a customs bonded warehouse, or for use as supplies on vessels or aircraft. These IRC sections also state that such withdrawals are subject to regulations prescribed by the Secretary of the Treasury. As required by TTB regulations, exporters use TTB F 5100.11 to report these types of removals without payment of tax.

Current Actions: TTB is submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated number of burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 150.

Estimated Total Annual Burden Hours: 1,500.

Title: Application for Transfer of Spirits and/or Denatured Spirits in Bond.

OMB Number: 1513-0038.

TTB Form Number: F 5100.16.

Abstract: Under the IRC at 26 U.S.C. 5005(c), when a proprietor of a distilled spirits plant (DSP) or an alcohol fuel plant (AFP, a type of DSP) desires to have spirits or denatured spirits transferred to their plant from another domestic plant, the proprietor must make an application to receive such spirits in bond. Under this authority, the TTB regulations require that the receiving proprietor file an application for the transfer on TTB F 5100.16, Application for Transfer of Spirits and/or Denatured Spirits in Bond. TTB must approve the application before the transfer may occur. With the submission of this form TTB, can ensure that the receiving plant has adequate bond coverage.

Current Actions: TTB is submitting this information collection for extension

purposes only. The information collection, estimated number of respondents, and estimated number of burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 250.

Estimated Total Annual Burden Hours: 228.

Title: Registration of Distilled Spirits Plants and Miscellaneous Requests and Notices for Distilled Spirits Plants, and other Distilled Spirits Related Requests and Notices.

OMB Number: 1513-0048.

TTB Form Number: F 5110.41.

Abstract: The IRC at 26 U.S.C. 5171 and 5172 provide that an application to register a distilled spirits plant (DSP) be made in conformity with regulations issued by the Secretary of the Treasury, while 26 U.S.C. 5201 requires DSPs to operate in conformity with such regulations. Under these authorities, the TTB regulations in 27 CFR part 19 prescribe the use of TTB F 5110.41 to register a DSP and require DSP operators to submit various miscellaneous notices or requests to vary their operations from the requirements of that part. In addition, the regulations in part 19 require persons who are neither registered DSPs nor applicants for registration to submit applications or notices related to certain distilled spirits activities, such as the establishment of an experimental DSP or the use of spirits for research purposes. The required information assists TTB in determining a person's eligibility to establish and operate a DSP, whether a variance from TTB's regulatory requirements should be approved, and whether non-DSP entities are eligible to engage in certain distilled spirits-related activities.

Current Actions: TTB is submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated number of burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 2,276.

Estimated Total Annual Burden Hours: 5,883.

Title: Report of Wine Premises Operations.

OMB Number: 1513-0053.

TTB Form Number: F 5120.17.

Abstract: The IRC, at 26 U.S.C. 5367, authorizes regulations requiring the

keeping of records and the filing of returns related to wine cellar and bottling house operations. Section 5555 of the IRC also generally requires any person liable for tax under chapter 51 of the IRC to keep records, provide statements, and make returns as prescribed by regulation. Under these authorities, the TTB wine regulations in 27 CFR part 24 require wine premises to file periodic operations reports on form TTB F 5120.17. TTB uses this information to ensure collection of the Federal excise tax due on the wine produced, and to ensure wine is produced in accordance with applicable Federal law and regulations. TTB also uses this report to collect raw data on wine premises activity for its monthly statistical report on wine operations, which is made available to the public on TTB's Web site.

Current Actions: TTB is submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated number of burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 6,034.

Estimated Total Annual Burden Hours: 34,711.

Title: Excise Tax Return.

OMB Number: 1513-0083.

TTB Form Number: F 5000.24.

Abstract: Under the IRC at 26 U.S.C. 5061(a) and 5703(b), the Federal alcohol and tobacco excise tax is collected on the basis of a return. Businesses, other than those in Puerto Rico, report their Federal excise tax liability on those products on TTB F 5000.24, Excise Tax Return. TTB uses the information provided on the return form to establish the taxpayer's identity, the amount and type of taxes due, and the amount of payments made. This information is necessary for the collection of the revenue.

Current Actions: TTB is submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated number of burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 18,479.

Estimated Total Annual Burden Hours: 127,513.

Title: Pay.gov User Agreement.

OMB Number: 1513–0117.

TTB Form Number: F 5000.31.

Abstract: The *Pay.gov* system allows businesses and members of the public to pay various Federal taxes and fees, and submit various reports and requests, electronically. The TTB portion of the *Pay.gov* system provides qualified alcohol and tobacco proprietors with a means to file tax returns and pay taxes, and submit operations and production reports, electronically rather than submitting paper checks and documents by mail or delivery service. TTB uses the *Pay.gov* User Agreement to identify, validate, approve, and register qualified users of its portion of the *Pay.gov* system.

Current Actions: TTB is submitting this information collection as a revision. While the information collection remains the same, we are decreasing the estimated number of respondents and burden hours due to a decrease in the number of industry members submitting *Pay.gov* agreements to TTB.

Type of Review: Revision of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 950.

Estimated Total Annual Burden Hours: 80.

Title: Application, Permit, and Report—Wine and Beer (Puerto Rico), and Application, Permit, and Report—Distilled Spirits Products (Puerto Rico).
OMB Number: 1513–0123.

TTB Form Numbers: F 5100.21 and F 5110.51.

Abstract: In general, under the IRC at 26 U.S.C. 7652(a)(1), wine, beer, and distilled spirits products produced in Puerto Rico and shipped to the United States for consumption or sale are subject to the Federal excise taxes equal to those imposed by the IRC for domestically-produced products. TTB regulations require the use of TTB F 5100.21 and TTB F 5110.51 by persons shipping wine, beer, and certain distilled spirits products produced in Puerto Rico to the United States for domestic consumption or sale. TTB F 5100.21 is an application and permit to compute the Federal excise tax on, taxpay, and withdraw wine or beer for shipment to the United States. TTB F 5110.51 is an application and permit to compute the tax on, taxpay, and withdraw for shipment to the United States certain distilled spirits products.

Current Actions: TTB is submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated number of burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 35.

Estimated Total Annual Burden Hours: 35.

Title: Distilled Spirits Bond.

OMB Number: 1513–0125.

TTB Form Number: F 5110.56.

Abstract: Subject to the exemptions under the IRC at 26 U.S.C. 5551(d) and 5181(c)(3), the IRC at 26 U.S.C. 5173 and 5181 requires distilled spirits plants (DSPs) and alcohol fuel plants (AFPs) to furnish a bond. TTB F 5110.56 is used by DSP and AFP proprietors to file bond coverage with TTB. The bond may be secured through a surety company or it may be secured with collateral (cash or Treasury Bonds or Treasury Notes). The bond protects the revenue by ensuring adequate assets are available to pay Federal excise tax liabilities.

Current Actions: TTB is submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated number of burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 358.

Estimated Total Annual Burden Hours: 716.

Dated: June 5, 2017.

Amy R. Greenberg,

Director, Regulations and Rulings Division.

[FR Doc. 2017–11984 Filed 6–8–17; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID OCC–2017–0009]

Minority Depository Institutions Advisory Committee

AGENCY: Office of the Comptroller of the Currency, Department of the Treasury.

ACTION: Notice.

SUMMARY: The Office of the Comptroller of the Currency (OCC) announces a meeting of the Minority Depository Institutions Advisory Committee (MDIAC).

DATES: The OCC MDIAC will hold a public meeting on Tuesday, June 27, 2017, beginning at 8:30 a.m. Eastern Daylight Time (EDT).

ADDRESSES: The OCC will hold the June 27, 2017 meeting of the MDIAC at the Office of the Comptroller of the Currency, 400 7th Street, SW., Washington, DC 20219.

FOR FURTHER INFORMATION CONTACT:

Beverly Cole, Designated Federal Officer and Deputy Comptroller for Compliance Supervision, (202) 649–5688, Office of the Comptroller of the Currency, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: By this notice, the OCC is announcing that the MDIAC will convene a meeting at 8:30 a.m. EDT on Tuesday, June 27, 2017, at the Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219. Agenda items will include current topics of interest to the industry. The purpose of the meeting is for the MDIAC to advise the OCC on steps the agency may be able to take to ensure the continued health and viability of minority depository institutions and other issues of concern to minority depository institutions. Members of the public may submit written statements to the MDIAC by any one of the following methods:

- *Email to:* MDIAC@OCC.treas.gov.

- *Mail to:* Beverly Cole, Designated Federal Officer, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

The OCC must receive written statements no later than 5:00 p.m. EDT on Tuesday, June 20, 2017. Members of the public who plan to attend the meeting should contact the OCC by 5:00 p.m. EDT on Tuesday, June 20, 2017, to inform the OCC of their desire to attend the meeting and to provide information that will be required to facilitate entry into the meeting. Members of the public may contact the OCC via email at MDIAC@OCC.treas.gov or by telephone at (202) 649–5688. Attendees should provide their full name, email address, and organization, if any. For security reasons, attendees will be subject to security screening procedures and must present a valid government-issued identification to enter the building. Members of the public who are deaf or hard of hearing should call (202) 649–5597 (TTY) no later than 5:00 p.m. EDT on Tuesday, June 20, 2017, to arrange auxiliary aids such as sign language interpretation for this meeting.

Dated: June 5, 2017.

Keith A. Noreika,

Acting Comptroller of the Currency.

[FR Doc. 2017–11996 Filed 6–8–17; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY**Office of Foreign Assets Control****Sanctions Actions Pursuant to Executive Orders 13722, 13382, and 13687**

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons whose property and interests in property are blocked pursuant to Executive Orders (E.O.s) 13722, 13382, and 13687.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490; Assistant Director for Licensing, tel.: 202-622-2480; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202-622-2410 (not toll free numbers).

SUPPLEMENTARY INFORMATION:**Electronic Availability**

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's Web site (www.treasury.gov/ofac).

Notice of OFAC Action(s)

On June 1, 2017, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked pursuant to the relevant sanctions authorities listed below. Dealings in property subject to U.S. jurisdiction in which a person identified as meeting the definition of the Government of North Korea has an interest are generally prohibited as of the date of that status, which may be earlier than the date of OFAC's determination.

Individuals

1. RI, Song-hyok (a.k.a., LI, Cheng He), Beijing, China; DOB 19 Mar 1965; Gender Male; Passport 654234735 (Korea, North) (individual) [DPRK3] (Linked To: KORYO BANK; Linked To: KORYO CREDIT DEVELOPMENT BANK).

Designated pursuant to section 2(a)(i) and section 2(a)(vii) of E.O. 13722, "Blocking Property of the Government of North Korea and the Workers' Party of Korea, and Prohibiting Certain Transactions With Respect to North Korea," for operating in the financial services industry in the North Korea

economy; and for having materially assisted or provided financial or material support for KORYO BANK, a person whose property and interests in property are blocked pursuant to E.O. 13722.

2. MICHURIN, Igor Aleksandrovich, Russia; DOB 27 Jun 1978; Gender Male; Passport 8908104469 (individual) [NPWMD] (Linked To: KOREA TANGUN TRADING CORPORATION; Linked To: ARDIS-BEARINGS LLC).

Designated pursuant to section 1(a)(iii) and section 1(a)(iv) of E.O. 13382, "Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters," for having provided or attempted to provide, financial, material, technological or other support for, or goods or services in support of, KOREA TANGUN TRADING CORPORATION, a person whose property and interests in property are blocked pursuant to E.O. 13382; and for acting or purporting to act, for or on behalf of, directly or indirectly, ARDIS-BEARINGS LLC, a person whose property and interests in property are blocked pursuant to E.O. 13382.

3. KIM, SU-KWANG (a.k.a. KIM, Song-wang; a.k.a. KIM, Son-kwang; a.k.a. KIM, Sou-gwang; a.k.a. KIM, Su-gwang); DOB 18 Aug 1976; Gender Male (individual) [DPRK2] (Linked To: RECONNAISSANCE GENERAL BUREAU).

Designated pursuant to section 1(a)(ii) of to E.O. 13687, "Imposing Additional Sanctions With Respect to North Korea," for being an official of the Government of North Korea.

Entities

1. SONGI TRADING COMPANY, Korea, North [DPRK3].

Designated pursuant to section 2(a)(ii) of E.O. 13722 for having sold, supplied, or transferred coal from North Korea, where any revenue or goods received may benefit the Government of North Korea.

2. INDEPENDENT PETROLEUM COMPANY (a.k.a. AKTSIONERNOE OBSHCHESTVO 'NEZAVISIMAYA NEFTEGAZOVAYA KOMPANIYA'; a.k.a. NNK, AO), 1 Arbatskaya Square, Moscow 119019, Russia [DPRK3].

Designated pursuant to section 2(a)(i) of E.O. 13722 for operating in the energy industry in the North Korean economy.

3. AO NNK-PRIMORNEFTEPRODUCT (a.k.a. IPC-PRIMORNEFTEPRODUCT JSC; a.k.a. NNK-PRIMORNEFTEPRODUKT, AO; a.k.a. OAO PRIMORNEFTEPRODUCT), 55 Ul. Fontannaya, Vladivostok, Primorskiy Krai 690091, Russia [DPRK3] (Linked To: INDEPENDENT PETROLEUM COMPANY).

Designated pursuant to section 2(a)(viii) of E.O. 13722 for being owned or controlled by INDEPENDENT PETROLEUM COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13722.

4. KOREA COMPUTER CENTER (a.k.a. CHOSON COMPUTER CENTER; a.k.a. CHUNG SUN COMPUTER CENTER; a.k.a. KOREA COMPUTER COMPANY), Pyongyang, Korea, North; Germany; China; Syria; India; United Arab Emirates [DPRK3].

Designated pursuant to section 2(a)(iv) of E.O. 13722 for having engaged in, facilitated, or been responsible for the exportation of workers from North Korea, including

exportation to generate revenue for the Government of North Korea or the Workers' Party of Korea.

5. KOREA ZINC INDUSTRIAL GROUP (a.k.a. KOREA ZINC INDUSTRY GENERAL CORPORATION; a.k.a. KOREA ZINC INDUSTRY GROUP; a.k.a. NORTH KOREAN ZINC INDUSTRY GROUP), Korea, North; Dalian, China [DPRK3].

Designated pursuant to section 2(a)(i) and section 2(a)(ii) of E.O. 13722 for operating in the mining industry in the North Korean economy and for having sold, supplied, or transferred zinc from North Korea, where revenue or goods received from such transactions may benefit the Government of North Korea or the Workers' Party of Korea, including North Korea's nuclear or ballistic missile programs.

6. KOREAN PEOPLE'S ARMY, Korea, North [DPRK3].

Identified as meeting the definition of the Government of North Korea as set forth in section 9(d) of E.O. 13722.

7. MINISTRY OF PEOPLE'S ARMED FORCES, Korea, North [DPRK3].

Identified as meeting the definition of the Government of North Korea as set forth in section 9(d) of E.O. 13722.

8. STATE AFFAIRS COMMISSION, Korea, North [DPRK3].

Identified as meeting the definition of the Government of North Korea as set forth in section 9(d) of E.O. 13722.

9. ARDIS-BEARINGS LLC, Office 35, Number 2, 1/13/6 Pokrovka Street, Moscow 101000, Russia [NPWMD] (Linked To: KOREA TANGUN TRADING CORPORATION).

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided or attempted to provide, financial, material, technological or other support for, or goods or services in support of, KOREA TANGUN TRADING CORPORATION, a person whose property and interests in property are blocked pursuant to E.O. 13382.

Andrea M. Gacki,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2017-11969 Filed 6-8-17; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Proposed Collection; Comment Request**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the

Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 5330, Return of Excise Taxes Related to Employee Benefit Plans.

DATES: Written comments should be received on or before August 8, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, 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: Return of Excise Taxes Related to Employee Benefit Plans.

OMB Number: 1545-0575.

Form Number: 5330.

Abstract: Abstract: Internal Revenue Code sections 4971, 4972, 4973(a)(3), 4975, 4976, 4977, 4978, 4978A, 4978B, 4979, 4979A and 4980 impose various excise taxes in connection with employee benefit plans. Form 5330 is used to compute and collect these taxes.

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: Businesses or other for-profits.

Estimated Number of Responses: 8,403.

Estimated Time per Respondent: 64.28 hours.

Estimated Total Annual Burden Hours: 540,145.

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: June 5, 2017.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2017-11949 Filed 6-8-17; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1099-Q

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 1099-Q, Payments From Qualified Education Programs (Under Sections 529 and 530).

DATES: Written comments should be received on or before August 8, 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(s) 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: Payments From Qualified Education Programs (Under Sections 529 and 530)

OMB Number: 1545-1760.

Form Number: 1099-Q.

Abstract: Form 1099-Q is used to report distributions from private and state qualified tuition programs as required under Internal Revenue Code sections 529 and 530.

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.

Estimated Number of Respondents: 2,409,500.

Estimated Time per Respondent: 13 minutes.

Estimated Total Annual Burden Hours: 530,090.

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: June 5, 2017.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2017-11948 Filed 6-8-17; 8:45 am]

BILLING CODE 4830-01-P

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Federal Register

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