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Contents

Federal Register

Vol. 82, No. 111

Monday, June 12, 2017

Agency for Toxic Substances and Disease Registry
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 26928–26929

Agricultural Marketing Service
PROPOSED RULES
Hazelnuts Grown in Oregon and Washington:
Marketing Orders; Amendment, 26859–26864

Agriculture Department
See Agricultural Marketing Service
See Grain Inspection, Packers and Stockyards Administration
See National Agricultural Statistics Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 26903

Broadcasting Board of Governors
NOTICES
Meetings; Sunshine Act, 26904–26905

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 26930–26933
Charter Renewals:
World Trade Center Health Program Scientific/Technical Advisory Committee, 26930
Meetings:
Disease, Disability, and Injury Prevention and Control Special Emphasis Panel, 26929–26930, 26933–26934
Healthcare Infection Control Practices Advisory Committee, 26933

Centers for Medicare & Medicaid Services
PROPOSED RULES
Patient Protection and Affordable Care Act:
Reducing Regulatory Burdens and Improving Health Care Choices to Empower Patients, 26885–26887

Civil Rights Commission
NOTICES
Meetings:
District of Columbia Advisory Committee, 26905
Wisconsin Advisory Committee, 26905

Coast Guard
RULES
Safety Zones:
Delaware River, Philadelphia, PA, 26846–26848
Mill Creek, Hampton, VA, 26848–26850

Commerce Department
See International Trade Administration
See National Oceanic and Atmospheric Administration

Copyright Office, Library of Congress
RULES
Secure Tests, 26850–26854

Drug Enforcement Administration
NOTICES
Exempt Chemical Preparations Under Controlled Substances Act, 26944–26951

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
California; Coachella Valley; Attainment Plan for 1997 8-Hour Ozone Standards, 26854–26857
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
California; Imperial County Air Pollution Control District; Stationary Sources Permits, 26883–26885

Federal Aviation Administration
RULES
Airworthiness Directives:
Airbus Helicopters, 26843–26846
PROPOSED RULES
Airworthiness Directives:
Airbus Airplanes, 26869–26872, 26874–26877
Bombardier, Inc., Airplanes, 26864–26867
Dassault Aviation Airplanes, 26867–26869
The Boeing Company Airplanes, 26872–26874
NOTICES
Petitions for Exemptions; Summaries, 26975

Federal Communications Commission
RULES
Commercial Operations in 3550–3650 MHz Band, 26857–26858
PROPOSED RULES
Television Broadcasting Services:
Augusta, GA, 26887–26888
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 26924–26927

Federal Election Commission
NOTICES
Meetings; Sunshine Act, 26928

Federal Energy Regulatory Commission
NOTICES
Applications:
Lyndonville Electric Department, 26923–26924
Authorizations for Continued Operations:
Riverdale Power and Electric Co., Inc., 26924
Combined Filings, 26921–26922
Complaints:
East Texas Electric Coop., Inc. v. Public Service Co. of Oklahoma, Southwestern Electric Power Co., AEP Oklahoma Transmission Co., AEP Southwestern Transmission Co., 26921
Declaratory Orders; Petitions:
Advanced Energy Economy, 26922–26923

Initial Market-Based Rate Filings Including Requests for Blanket Section 204 Authorizations:
Veritas Energy Group, LLC, 26923

Federal Highway Administration
NOTICES
Environmental Impact Statements; Availability, etc.:
St. Louis County, MO, 26975

Federal Motor Carrier Safety Administration
PROPOSED RULES
Commercial Learner's Permit Validity, 26888–26894
Military Licensing and State Commercial Driver's License Reciprocity, 26894–26902
NOTICES
Commercial Driver's License Standards; Exemptions:
C.R. England, Inc., 26975–26977

Federal Reserve System
NOTICES
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 26928

Food and Drug Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Electronic Products, 26937–26939
Utilization of Adequate Provision Among Low to Non–Internet Users, 26934–26936
Meetings:
Science Board to Food and Drug Administration Advisory Committee, 26939–26940

Grain Inspection, Packers and Stockyards Administration
RULES
Suspension of Supervision Fee Assessment Under United States Grain Standards Act, 26843

Health and Human Services Department
See Agency for Toxic Substances and Disease Registry
See Centers for Disease Control and Prevention
See Centers for Medicare & Medicaid Services
See Food and Drug Administration
See National Institutes of Health
See Substance Abuse and Mental Health Services Administration
PROPOSED RULES
Patient Protection and Affordable Care Act:
Reducing Regulatory Burdens and Improving Health Care Choices To Empower Patients, 26885–26887
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Generic Clearance for Collection of Qualitative Feedback on Agency Service Delivery, 26940–26941

Homeland Security Department
See Coast Guard

Institute of Museum and Library Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Maker/STEM Education Support for 21st Century Community Learning Centers Program Evaluation, 26958–26959

Internal Revenue Service
NOTICES
Meetings:
Taxpayer Advocacy Panel Notices and Correspondence Project Committee, 26977
Taxpayer Advocacy Panel Tax Forms and Publications Project Committee, 26977–26978

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Circular Welded Non-Alloy Steel Pipe from Republic of Korea, 26910–26911
Diamond Sawblades and Parts Thereof From the People's Republic of China, 26912–26914
Stainless Steel Bar From India, 26916–26917
Steel Concrete Reinforcing Bar From Republic of Turkey, 26907–26909
Sugar from Mexico, 26906–26907, 26914–26916
Meetings:
Travel and Tourism Advisory Board, 26911–26912
North American Free Trade Agreement Binational Panel Review, 26914

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
Certain Lithium Metal Oxide Cathode Materials, Lithium-Ion Batteries for Power Tool Products Containing Same, and Power Tool Products With Lithium-Ion Batteries Containing Same, 26943–26944
Stainless Steel Wire Rod From India, 26943

Justice Department
See Drug Enforcement Administration

Labor Department
See Labor-Management Standards Office
See Mine Safety and Health Administration
See Occupational Safety and Health Administration

Labor-Management Standards Office
PROPOSED RULES
Interpretation of Advice Exemption in Labor-Management Reporting and Disclosure Act; Rescission, 26877–26883

Library of Congress
See Copyright Office, Library of Congress

Mine Safety and Health Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Hazard Communication, 26955–26956
Performance Reports for MSHA Grants, 26951–26952
Sealing of Abandoned Areas, 26952–26953
Petitions for Modification of Application of Existing Mandatory Safety Standards, 26953–26955

National Agricultural Statistics Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Generic Clearance for Collection of Qualitative Feedback on Agency Programs, 26903–26904

National Archives and Records Administration
See Office of Government Information Services

National Endowment for the Humanities
NOTICES
Meetings:
Humanities Panel, 26959–26960

National Foundation on the Arts and the Humanities
See Institute of Museum and Library Services
See National Endowment for the Humanities

National Institutes of Health
NOTICES
Meetings:
Center for Scientific Review, 26941

National Oceanic and Atmospheric Administration
PROPOSED RULES
Fisheries off West Coast States:
Highly Migratory Fisheries; California Drift Gillnet Fishery; Protected Species Hard Caps for California/Oregon Large-Mesh Drift Gillnet Fishery: Withdrawal, 26902
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 26919
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Emergency Beacon Registrations, 26919–26920
Exempted Fishing Permit Applications, 26918–26919
Meetings:
Fisheries of Gulf of Mexico and Atlantic; Southeast Data, Assessment, and Review, 26917–26918
Pacific Fishery Management Council, 26920–26921

Occupational Safety and Health Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 26957–26958
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Fire Protection in Shipyard Employment Standard, 26956–26957

Office of Government Information Services
NOTICES
Meetings:
Freedom of Information Act Advisory Committee, 26958

Securities and Exchange Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 26960–26962
Self-Regulatory Organizations; Proposed Rule Changes:
Chicago Stock Exchange, Inc., 26966–26967
MIAX PEARL, LLC, 26962–26963
New York Stock Exchange, LLC, 26964–26966
NYSE Arca, Inc., 26967–26975

Substance Abuse and Mental Health Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 26941–26943

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Federal Motor Carrier Safety Administration

Treasury Department
See Internal Revenue Service
See United States Mint

U.S.–China Economic and Security Review Commission
NOTICES
Hearings, 26978

United States Mint
NOTICES
Product Pricing:
2017 American Liberty 225th Anniversary Silver Medal, 26978

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
800 26843
Proposed Rules:
982 26859

14 CFR
39 26843
Proposed Rules:
39 (5 documents) 26864, 26867, 26869, 26872, 26874

29 CFR
Proposed Rules:
405 26877
406 26877

33 CFR
165 (2 documents) 26846, 26848

37 CFR
201 26850
202 26850

40 CFR
52 26854
Proposed Rules:
52 26883

42 CFR
Proposed Rules:
Ch. IV 26885

45 CFR
Proposed Rules:
Subtitle A 26885

47 CFR
96 26857
Proposed Rules:
73 26887

49 CFR
Proposed Rules:
383 (2 documents) 26888, 26894
384 26894

50 CFR
Proposed Rules:
660 26902

Rules and Regulations

Federal Register
Vol. 82, No. 111
Monday, June 12, 2017

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

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

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

7 CFR Part 800

Suspension of Supervision Fee Assessment Under the United States Grain Standards Act

AGENCY: Grain Inspection Packers and Stockyards Administration, USDA.

ACTION: Notification of suspension of supervision fee assessment.

SUMMARY: The Department of Agriculture (USDA), Grain Inspection, Packers and Stockyards Administration (GIPSA) is suspending the fees that it charges for the supervision of official inspection and weighing services performed by delegated States and/or designated agencies under the United States Grain Standards Act (USGSA).

DATES: This document is effective beginning July 1, 2017, and remains in effect through June 30, 2018.

FOR FURTHER INFORMATION CONTACT: Denise Ruggles, USDA–GIPSA–FGIS–ODA; Telephone: (816) 659–8406; Email: *Denise.M.Ruggles@usda.gov.* Person with disabilities who require alternative means for communication (Braille, large print, audio tape, etc.) should contact the USDA Target Center at (202) 720–2600 (voice and TDD).

SUPPLEMENTARY INFORMATION: The Agriculture Reauthorizations Act of 2015, Public Law 114–54, amended the USGSA (7 U.S.C. 71–87k) to require GIPSA to adjust fees for the supervision of official grain inspection and weighing in order to maintain an operating reserve of not less than 3 and not more than 6 months (7 U.S.C. 79(j)(4)).

On June 28, 2016, GIPSA published a notice in the **Federal Register** suspending the supervision fee assessment, effective July 1, 2016, through June 30, 2017 (81 FR 41790). At the end of fiscal year 2016, GIPSA again reviewed its operating reserve to determine if the balance had attained the level required by the Agriculture Reauthorizations Act of 2015. GIPSA found that its fiscal year 2016 operating reserve for the supervision of official inspection and weighing was approximately $8.7 million, and continues to exceed the 6 month requirement by a significant margin.

Therefore, GIPSA is announcing that it is suspending for an additional year the fee for supervision of official inspection and weighing services of domestic grain and land carriers to Canada and Mexico performed by delegated States and/or designated agencies. According to the regulations under the USGSA, GIPSA may suspend any provision of the regulations in emergencies or other circumstances that would not impair the objectives of the USGSA (7 CFR 800.2). GIPSA has determined that suspending the supervision fees will not impair the objectives of the USGSA because the current operating reserve far exceeds that needed to maintain the service without additional funds.

GIPSA will continue the suspension of the assessment fee of $0.011 per metric ton on domestic shipments officially inspected and/or weighed, including land carrier shipments to Canada and Mexico, performed by delegated States and/or designated agencies on or after July 1, 2017 (7 CFR 800.71 Schedule B). These fees will remain suspended for 1 year, at which time GIPSA will reassess the operating reserve for supervision of official agency inspection and weighing.

Randall D. Jones,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2017–12032 Filed 6–9–17; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0573; Directorate Identifier 2017–SW–001–AD; Amendment 39–18919; AD 2017–12–04]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

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

ACTION: Final rule; request for comments.

SUMMARY: We are superseding airworthiness directive (AD) 2016–20–04 for Airbus Helicopters Model SA341G and SA342J helicopters. AD 2016–20–04 prohibited autorotation training flights until the landing gear rear crosstube (crosstube) was inspected. This new AD adds additional part-numbered crosstubes to the applicability and revises the hardness criteria for the inspection. This AD is prompted by a determination that an additional part-numbered crosstube may have the same unsafe condition. The actions of this AD are intended to detect and prevent an unsafe condition on these helicopters.

DATES: This AD becomes effective June 27, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of June 27, 2017.

We must receive comments on this AD by August 11, 2017.

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

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

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–2017–0573; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, any incorporated by reference service information, the economic 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 service information identified in this final rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/website/technical-expert.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0573.

FOR FURTHER INFORMATION CONTACT: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *matthew.fuller@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments prior to it becoming effective. However, we invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that resulted from adopting this AD. The most helpful comments reference a specific portion of the AD, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit them only one time. We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking during the comment period. We will consider all the comments we receive and may conduct additional rulemaking based on those comments.

Discussion

On September 16, 2016, we issued AD 2016–20–04 (81 FR 67904, October 3, 2016), which prohibited autorotation training flights by amending the rotorcraft flight manual (RFM) and installing a placard on the instrument panel. AD 2016–20–04 also required, within 25 hours time-in-service (TIS), inspecting each crosstube with part-number (P/N) 341A415201.00 or P/N 341A415201.01 to determine whether the metal is coated and removing all coating if it is present. Once there is no coating, AD 2016–20–04 required determining the hardness of the crosstube, replacing the crosstube if it did not meet the specified hardness criteria, and then removing the autorotation training flight prohibition.

AD 2016–20–04 was prompted by Emergency AD No. 2016–0073–E, dated April 13, 2016 (AD 2016–0073–E), issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Airbus Helicopters Model SA341G and SA342J helicopters with a crosstube P/N 341A415201.00 or P/N 341A415201.01. EASA stated that two reported failures of a crosstube had occurred during maintenance and towing operations, which resulted in the helicopters dropping or tipping over. EASA further stated that excessive hardness of the crosstube material, combined with inter-granular corrosion initiation, may have affected the structural integrity of the crosstube. EASA advised that this condition could lead to failure of the crosstube and dropping or tipping over of the helicopter. To address the unsafe condition, EASA AD 2016–0073–E required identifying the affected crosstubes, implementing a temporary prohibition of autorotation training flights on affected helicopters by amending the RFM and installing a placard, inspecting the hardness of each affected crosstube, and replacing any crosstubes that do not meet the hardness criteria.

Actions Since AD 2016–20–04 Was Issued

Since we issued AD 2016–20–04, EASA has issued Emergency AD No. 2016–0131–E, dated July 5, 2016 (AD 2016–0131–E), which superseded AD 2016–0073–E. EASA advises that after AD 2016–0073–E was issued, Airbus Helicopters discovered that crosstubes with P/N 341A415201.02 could be affected by the same unsafe condition. EASA AD 2016–0131–E adds this crosstube P/N to the applicability and retains the requirements of AD 2016–0073–E.

Additionally, we determined there is no unsafe condition in most autorotation training. An unsafe condition exists only if the helicopter touches the ground or a run-on landing (also called a running landing, where the helicopter slides to a stop on landing) is completed.

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs.

Related Service Information Under 1 CFR Part 51

Airbus Helicopters has issued Alert Service Bulletin (ASB) No. SA341/342–32.08, Revision 2, dated October 18, 2016 (ASB 32.08), which specifies removing the crosstube, checking its hardness, and replacing the crosstube if it fails the hardness test. ASB 32.08 also specifies prohibiting autorotative landing training by installing a placard on the instrument panel. Finally, this revision of ASB 32.08 extends the permissible hardness values range for the Vickers test method from ≤434 to ≤454.

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.

Other Related Service Information

We also reviewed Aerospatiale (now Airbus Helicopters) Flight Manuals SA 341G, Issue 2, dated December 1974, and SA 342J, Issue 1, dated April 27, 1976. These manuals provide various procedures, limitations, and performance and loading information.

AD Requirements

This AD prohibits full touchdown autorotation training and run-on landing training before further flight by amending the RFM and installing a limitation placard on the instrument panel.

This AD also requires, within 25 hours TIS, applying a solution to the crosstube to determine whether the metal is coated and removing all coating within a specific area. Once there is no coating, this AD requires inspecting the hardness of the crosstube and replacing the crosstube if it does not meet the hardness criteria. After replacing the crosstube or determining the crosstube meets the hardness criteria, the placard and RFM amendment prohibiting autorotation landing training and run-on landing training may be removed.

Differences Between This AD and the EASA AD

EASA requires the hardness inspection to be completed within six months, while we require the hardness inspection to be completed within 25 hours TIS. The EASA AD prohibits all autorotation training flights, while this AD only prohibits full touchdown autorotation training and run-on landing training.

Costs of Compliance

We estimate that this AD affects 20 helicopters of U.S. Registry.

We estimate that operators may incur the following costs in order to comply with this AD. At an average labor rate of $85 per hour, amending the RFM and installing a placard will require about 0.5 work-hour, for a cost of $43 per helicopter and $860 for the U.S. fleet. Inspecting a crosstube will require about 8 work-hours, and the required materials cost is minimal, for a cost of $680 per helicopter and $13,600 for the U.S. fleet.

If required, replacing a crosstube will require 8 work-hours, and required parts will cost $11,952, for a cost of $12,632 per helicopter.

FAA's Justification and Determination of the Effective Date

Providing an opportunity for public comments prior to adopting these AD requirements would delay implementing the safety actions needed to correct this known unsafe condition. Therefore, we find that the risk to the flying public justifies waiving notice and comment prior to the adoption of this rule because certain operations must be prohibited before further flight until the required corrective actions are accomplished. Those corrective actions must then be accomplished within 25 hours TIS, a short time interval for these model helicopters.

Since an unsafe condition exists that requires the immediate adoption of this AD, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2016–20–04, Amendment 39–18670 (81 FR 67904, October 3, 2016), and adding the following new AD:

2017–12–04 Airbus Helicopters: Amendment 39–18919; Docket No. FAA–2017–0573; Directorate Identifier 2017–SW–001–AD.

(a) Applicability

This AD applies to Airbus Helicopters Model SA 341G and Model SA 342J helicopters with a landing gear rear crosstube (crosstube) part number 341A415201.00, 341A415201.01, or 341A415201.02, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as incorrect hardness of the crosstube, which could result in failure of the crosstube and subsequent dropping or tipping of the helicopter.

(c) Affected ADs

This AD supersedes AD 2016–20–04, Amendment 39–18670 (81 FR 67904, October 3, 2016).

(d) Effective Date

This AD becomes effective June 27, 2017.

(e) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(f) Required Actions

(1) Before further flight:

(i) Amend the rotorcraft flight manual (RFM) by inserting a copy of this AD or by making pen-and-ink changes in Section 1, Limitations, by adding the following: AUTOROTATION TRAINING FLIGHTS TO A LANDING AND RUN-ON (RUNNING) LANDING TRAINING ARE PROHIBITED. A landing occurs when the skids contact the ground or other surface and bear the weight of the helicopter regardless of the duration of the landing and regardless of whether the engine is shut down.

(ii) Install a placard on the instrument panel in full view of the pilots that states the following: AUTOROTATION TRAINING FLIGHTS TO A LANDING AND RUN-ON (RUNNING) LANDING TRAINING ARE PROHIBITED.

(2) Within 25 hours time-in-service:

(i) Inspect the crosstube to determine whether the metal is coated. Make a copper sulfate solution by following the Accomplishment Instructions, paragraph 3.B.2.b.1., of Airbus Helicopters Alert Service Bulletin (ASB) No. SA341/342–32.08, Revision 2, dated October 18, 2016 (ASB

32.08). Apply 2 to 3 drops of the solution to Area Z in Figure 1 of ASB 32.08 and wait 10 to 15 seconds. If a dark mark appears as shown in Area 2 of Figure 3 of ASB 32.08, there is no metal coating. If a light mark appears as shown in Area 4 of Figure 3 of ASB 32.08, remove all metal coating in Area Z of Figure 1 of ASB 32.08.

(ii) Inspect the hardness of the crosstube by using the criteria in the table under Paragraph 3.B.2.c. of ASB 32.08. If the hardness is not within the value range in the table, before further flight, replace the crosstube. If the hardness is within the value range in the table, apply corrosion protectant to Area Z in Figure 1 of ASB 32.08.

(iii) Remove the RFM limitation and the instrument panel placard required by paragraphs (f)(1)(i) and (f)(1)(ii) of this AD.

(g) Credit for Actions Previously Completed

Compliance with AD 2016–20–04 (81 FR 67904, October 3, 2016) before the effective date of this AD is considered acceptable for compliance with this AD.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(i) Additional Information

(1) Aerospatiale (now Airbus Helicopters) Flight Manuals SA 341G, Issue 2, dated December 1974, and SA 342J, Issue 1, dated April 27, 1976, which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2016–0131–E, dated July 5, 2016. You may view the EASA AD on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2017–0573.

(j) Subject

Joint Aircraft Service Component (JASC) Code: 3213 Main Landing Gear Strut/Axel/Truck.

(k) Material Incorporated by Reference

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

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

(i) Airbus Helicopters Alert Service Bulletin No. SA341/342–32.08, Revision 2, dated October 18, 2016.

(ii) Reserved.

(3) For Airbus Helicopters service information identified in this AD, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/website/technical-expert.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Fort Worth, Texas, on May 26, 2017.

Scott A. Horn,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2017–11986 Filed 6–9–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2017–0399]

RIN 1625–AA00

Safety Zone; Delaware River, Philadelphia, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for multiple fireworks events located at Penns Landing in Philadelphia, Pennsylvania for the waters of the Delaware River, Philadelphia, PA. Enforcement of this safety zone is necessary and intended to enhance safety of life on the navigable waters immediately prior to, during, and immediately after these fireworks events. During the enforcement periods, no vessel may enter in or transit this regulated area without approval from the Captain of the Port or a designated representative.

DATES: This rule is effective from June 12, 2017, until June 13, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0399 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 MST2 Amanda Boone, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, Coast Guard; telephone (215) 271–4814, email *Amanda.N.Boone@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are impracticable, unnecessary, or contrary to the public interest. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking with respect to this rule because doing so would be impracticable and contrary to the public interest. The final details for the safety zone were not known until May 3, 2017, preventing the Coast Guard from publishing a notice of proposed rulemaking in the **Federal Register** with opportunity for public comment. Delaying this action to allow an opportunity for public comment would be contrary to the rule's objective of enhancing safety of life on the navigable waters and protection of persons and vessels near the event.

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** because doing so would be impracticable and contrary to the public interest. Delaying the

effective date would be contrary to the rule's objectives of ensuring safety of life on the navigable waters and protection near the event.

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 Delaware Bay has determined that this temporary safety zone is necessary to provide safety during the fireworks events, and to ensure protection of the public.

IV. Discussion of the Rule

On June 12, 2017, and June 13, 2017 fireworks display events will take place at Penn's Landing, in Philadelphia, PA. The Coast Guard is establishing a temporary safety zone in a portion of the Delaware River, Philadelphia, PA to ensure the safety of persons, vessels and the public during the event. The safety zone includes all waters of Delaware River, adjacent to Penns Landing, Philadelphia, PA, bounded from shoreline to shoreline, bounded on the south by a line running east to west from points along the shoreline commencing at latitude 39°56′31.2″ N., longitude 075°08′28.1″ W.; thence westward to latitude 39°56′29″.1 N., longitude 075°07′56.5″ W., and bounded on the north by the Benjamin Franklin Bridge where it crosses the Delaware River.

Access to this safety zone will be restricted during the specified date and time period. Only vessels or persons specifically authorized by the Captain of the Port Delaware Bay or designated representative may enter or remain in the regulated area. These safety zones will be enforced on June 12, 2017 and June 13, 2017 from 8:45 p.m. to 10:30 p.m., each day.

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. 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 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).

This regulatory action determination is based on the size, location, and duration of the safety zone. Vessel traffic will be unable to transit the safety zone for the duration of the fireworks event however; this safety zone will impact a small designated area of the Delaware River, in Philadelphia, PA, for less than 2 hours during the fireworks event. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 regarding the safety zone; under the regulation vessel operators may 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 calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the

aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that it is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule adjusts rates in accordance with applicable statutory and regulatory mandates. It is categorically excluded under section 2.B.2, figure 2–1, paragraph 34(g) of the Instruction, which pertains to minor regulatory changes that are editorial or procedural in nature. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated in the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 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.T05–0399 to read as follows:

§ 165.T05–0399 Safety Zone; Delaware River; Philadelphia, PA.

(a) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard petty officer, warrant or commissioned officer operating on board a Coast Guard vessel and or on board another Federal, State, or local law enforcement vessel assisting the Captain of the Port, Delaware Bay in the enforcement of the safety zone.

(b) *Location.* The following area is a security zone: All waters of Delaware River, adjacent to Penns Landing, Philadelphia, PA, bounded from shoreline to shoreline, bounded on the south by a line running east to west from points along the shoreline commencing at latitude 39°56′31.2″ N., longitude 075°08′28.1″ W.; thence westward to latitude 39°56′29″.1 N., longitude 075°07′56.5″ W., and bounded on the north by the Benjamin Franklin Bridge where it crosses the Delaware River.

(c) *Regulations.* (1) The general safety zone regulations found in § 165.23 apply to the safety zone created by this temporary section.

(2) Under the general safety zone regulations in § 165.23, persons may not enter the safety zone described in paragraph (b) of this section unless authorized by the COTP or the COTP's designated representative.

(3) To request permission to enter the safety zone, contact the COTP or the COTP's representative on VHF–FM channel 16. All persons and vessels in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced on June 12, 2017, and June 13, 2017 from 8:45 p.m. to 10:30 p.m., each day.

Dated: June 6, 2017.

Benjamin A. Cooper,

Captain, U.S. Coast Guard, Captain of the Port, Delaware Bay.

[FR Doc. 2017–12093 Filed 6–9–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0075]

RIN 1625–AA00

Safety Zone; Mill Creek, Hampton, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 170-yard radius of the fireworks barge in Mill Creek, Hampton, VA. The safety zone is needed to protect persons, vessels, and the marine environment from potential hazards associated with fireworks 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 p.m. through 10 p.m. on July 4, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0075 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 it would be impracticable and contrary to the public interest to do so as this safety zone must be established by July 4, 2017, to protect the public from potential safety hazards associated with the fireworks display.

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

protect the public from the potential safety hazards associated with the fireworks display. This event is planned by the local community and accordingly, the public has received advanced notification of this upcoming event through media outlets and has had time to prepare.

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 (COTP) Hampton Roads has determined that potential hazards associated with fireworks displays starting July 4, 2017 will be a safety concern for anyone within a 170-yard radius of fireworks display barge. This rule is needed to protect persons, vessels, and the marine environment on the navigable waters within the safety zone during the fireworks display.

IV. Discussion of the Rule

This rule establishes a safety zone from 9 p.m. through 10 p.m. on July 4, 2017. The safety zone will cover all navigable waters within 170 yards of fireworks display barge in approximate position latitude 37°00′36″ N., longitude 076°18′26″ W. (NAD 1983). The duration of the zone is intended to protect persons, vessels, and the marine environment on these navigable waters during the fireworks display. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, 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 Mill Creek in Hampton, VA for one hour. Further, Mill Creek does not serve as a throughway for any waterborne transit. The Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 regarding the safety zone, the rule allows vessels to request permission from the COTP to enter the safety zone if deemed safe to do so.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the 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.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting approximately one hour duration that will prohibit entry within

170 yard radius of fireworks display barge. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A preliminary Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, 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.T05–0075 to read as follows:

§ 165.T05–0075 Safety Zone, Mill Creek; Hampton, 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 explosives training.

(b) *Locations.* The following area is a safety zone: All waters of Mill Creek, within 170 yard radius of latitude 37°00′36″ N., longitude 076°18′26″ 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's implemented are to depart the zone immediately. The Captain of the Port, Hampton Roads or 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).

(3) This section applies to all persons or vessels that intent 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.

(4) 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 p.m. through 10 p.m. on July 4, 2017.

Dated: June 6, 2017.

Richard J. Wester,

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

[FR Doc. 2017–12083 Filed 6–9–17; 8:45 am]

BILLING CODE 9110–04–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201 and 202

[Docket No. 2017–8]

Secure Tests

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Interim rule with request for comments.

SUMMARY: The U.S. Copyright Office is issuing an interim rule that memorializes its special procedure for examining secure tests. The interim rule also includes a new workflow that will increase the efficiency of these examinations. Going forward, applicants must submit an online application, upload a redacted copy of the entire test to the electronic registration system, and complete and submit a brief questionnaire about the test. If the work appears to be eligible for the secure test process, the Office will contact the applicant and schedule an appointment to deliver the test to the Office in person. On the appointed date, the applicant must bring a copy of the application and a complete unredacted copy of the actual test. In addition, the applicant must bring a copy of the redacted version of the test, and a signed declaration confirming that this copy is identical to the redacted copy that was uploaded to the electronic registration system. If the Office confirms that the work qualifies as a secure test, it will examine the test as a whole to determine if it contains sufficient copyrightable authorship. If the Office registers the secure test, the registration will be effective as of the date that the Office received the application, filing fee, and the redacted copy of the entire test in proper form through the electronic registration system. The Office welcomes public comment on the interim rule.

DATES: Effective July 12, 2017. Comments on the interim rule must be made in writing and must be received by the U.S. Copyright Office no later than December 11, 2017.

ADDRESSES: For reasons of government efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through *regulations.gov*. Specific instructions for submitting comments are available on the Copyright Office Web site at *http://copyright.gov/rulemaking/securetests/*. If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the Office for special instructions using the contact information below.

FOR FURTHER INFORMATION CONTACT: Robert J. Kasunic, Associate Register of Copyrights and Director of Registration Policy and Practice, Erik Bertin, Deputy Director of Registration Policy and Practice, or Abioye Mosheim, Attorney Advisor, by telephone at 202–707–8040 or by email at *rkas@loc.gov,ebertin@loc.gov* and *abmo@loc.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

A. The Current Regulation

Section 408(c)(1) of the Copyright Act authorizes the Register of Copyrights (the ''Register'') to issue regulations establishing administrative classes for the purpose of registering works with the U.S. Copyright Office (the ''Office''). It authorizes the Register to issue regulations specifying the nature of the copies or phonorecords required for each class. And it states that the Register ''may require or permit, for particular classes, the deposit of identifying material instead of copies or phonorecords.'' 17 U.S.C. 408(c)(1).

The Office's current practice for examining a secure test provides special procedures to protect the confidential nature of these works.[1] A ''secure test'' is ''a nonmarketed test administered under supervision at specified centers on specific dates, all copies of which are accounted for and either destroyed or returned to restricted locked storage following each administration. For these purposes a test is not marketed if copies are not sold but it is distributed and used in such a manner that ownership and control of copies remain with the test sponsor or publisher.'' 37 CFR 202.20(b)(4). With respect to the deposit requirement, the regulations state that ''[i]n the case of any secure test the Copyright Office will return the deposit to the applicant promptly after examination [, p]rovided, [t]hat sufficient portions, description[s], or the like are retained so as to constitute a sufficient archival record of the deposit.'' 37 CFR 202.20(c)(2)(vi).

B. Current Examination Practices

Under the Office's current practices, ''special arrangements can be made for the examination of such material under strict conditions of security and in the presence of a representative of the copyright owner.'' 42 FR 59302, 59304 (Nov. 16, 1977). These practices are not, however, mentioned in the Office's regulations. Instead they are set forth in sections 720.1 through 720.5 of the *Compendium of Copyright Office Practices, Third Edition* (hereinafter ''*Compendium*'').[2] Briefly stated, applicants submit an application and the appropriate filing fee. Then they call the Office to schedule an appointment with an examiner. On the appointed date they bring a copy of the completed application to the Office, along with a redacted and an unredacted copy of the actual test. The examiner reviews these materials with the applicant present, and then returns the unredacted copy to the applicant when the examination is complete. The redacted copy is retained by the Office.

This procedure has remained essentially unchanged for more than thirty years, and for the most part it has worked well for both the Office and applicants alike. Recently, however, the Office has identified several issues that warrant attention.

First, the secure test procedure only applies to tests that satisfy the definition of a ''secure test'' as set forth in the regulation. 37 CFR 202.20(b)(4). Under the current process, test publishers do not submit an actual copy of the test when they initially file an application and pay the filing fee. As a result, the Office has no way of knowing whether a test is eligible for the secure test procedure until the applicant arrives at the Office. On several occasions, applicants have travelled to the Office—sometimes from a great distance and at great expense—only to discover that their works do not qualify as secure tests. This is inconvenient for applicants, and it also deprives them of an earlier effective date of registration.[3] If they decide to register their works using the normal procedure for tests, rather than the special procedure for secure tests, applicants must submit a complete, unredacted copy of the work. In this situation the effective date of registration will be based on the date that the unredacted copy is received. *See Compendium* 720, 1509.1(G).

Second, because secure test publishers do not submit a copy of their works until they meet with the examiner, they prefer to schedule their appointments as soon as possible, in order to establish the earliest possible effective date of registration. The Office has traditionally accommodated these requests. As a result, secure test publishers often effectively gain the benefits of expedited service without providing a justification for special handling and without paying the additional fee for this service. 37 CFR 201.3(d)(7). Moreover, publishers do not always know which test or how many tests they will bring to the appointment. Therefore, the Office may not have a sufficient number of examiners on hand to conduct the examination.

Third, the applicant must bring a redacted and an unredacted copy of the secure test for the examiner's review. *Compendium* 720.2. While the unredacted copy must contain a complete copy of the entire test so that the Office can examine it for copyrightable authorship, under the Office's current practices, the redacted copy will be accepted even if it contains a fraction of the test material, rather than the complete test. *Id.* 720.4.

Finally, under the Office's current practices the applicant may register a secure test and a computer program used to administer that test by filing one application and one filing fee, if the works are owned by the same party and if the applicant submits an appropriate deposit for both the test and the program. *Id.* 720.5. As discussed below, however, the Office does not examine the computer program under secure conditions, because computer programs are not secure tests.

C. Issues With Current Practices

Although the Office's secure test registration practices have worked reasonably well, they currently do not produce an optimal record of the actual tests submitted for registration. Under current practice, as mentioned above, the applicant must bring a copy of the completed application to the Office, along with a redacted and an unredacted copy of the actual test. When the examiner completes his or her review of a secure test, he or she will stamp the date of the appointment on the unredacted copy and return it to the applicant. What remains in the Office is a redacted copy of the test which, in most cases, only includes portions of the first and last pages of the test. Even in the case of a test administered in machine readable format or a test that contains questions taken from a database, the redacted copy deposited with the Office includes another 50 pages from the test but no more. Thus, under the current practice, the deposit that is maintained by the Copyright Office provides, at best, imperfect evidence of the complete test examined and registered by the Office. This may adversely affect, for instance, the ability of a plaintiff to show that it registered the test with the Copyright Office prior to bringing an infringement suit.

The Office's practices with respect to tests administered using databases and/or computer programs raise other concerns. A database may contain a selection of questions that can be used to create many different tests. A computer program can be used to measure and record the answers given in response to a particular set of test questions. But the actual database and the actual program are not ''tests'' that are administered to test takers ''under supervision at specified centers on specific dates.'' 37 CFR 202.20(b)(4). As such, they cannot be considered a ''secure test'' within the meaning of the regulation, and using the secure test application process for such works is inconsistent with that regulation. In addition, databases and secure tests have distinct deposit requirements. An

[1] The Office developed this procedure in response to correspondence submitted by Educational Testing Service, which was supported by twenty-two other examining boards and councils, including the National Board of Medical Examiners, the Federation of State Medical Boards, and the National Conference of Bar Examiners. 42 FR 59302, 59304 n.2 (Nov. 16, 1977).

[2] The Office also published these practices in *Copyright Registration for Secure Tests* (Circular 64). This circular has been revised to reflect the new procedures discussed in this interim rule. Similar changes will be made to the *Compendium* in the near future.

[3] The effective date of registration is the date the Office has received an application, an applicable filing fee, and the applicable deposit. 17 U.S.C. 410(d).

applicant may register a database by submitting a mere fraction of the content that appears within that work. 37 CFR 202.20(c)(2)(vii)(D)(*3*) through (*5*). On the contrary, to register a secure test, applicants must submit ''one complete copy'' of the work, which will be returned to the applicant when the examination is complete. 37 CFR 202.20(c)(2)(vi). Finally, allowing an applicant to register a secure test together with a computer program used to administer the test, is inconsistent with the Office's general policy of requiring a separate application and filing fee for each distinct copyrightable work. *See* 17 U.S.C. 408(a), 409 (authorizing the Office to register a single ''work''); *Compendium* 511 (stating that ''an applicant should prepare a separate application, filing fee, and deposit for each work that is submitted for registration'').

II. The Interim Rule

The interim rule codifies the Office's longstanding practices for examining secure tests, while addressing several of the issues identified in the current practices described above.

A. Submitting the Claim

To register a secure test under the interim rule, applicants must complete and submit an application through the electronic registration system using the Standard Application, and they must pay the $55 filing fee for this application. Paper applications will no longer be accepted. Prior to making an examination appointment, applicants must complete and submit through the electronic registration system a brief questionnaire about the test, which may be obtained from the Office's Web site at *https://copyright.gov/forms/securetest-questionnaire.pdf,* and they must submit a redacted copy of the entire test. These steps are designed to identify works that are not eligible for the secure test procedure before the applicant invests the time and expense—perhaps mistakenly—in scheduling an appointment and travelling to the Office.

Applicants must file a separate application, pay a separate fee, and upload a separate questionnaire for each secure test or when registering multiple versions of the same secure test. The Office will not register multiple secure tests together as an unpublished collection, a unit of publication, or a group of updates or revisions to a database. In addition, for the reasons given above, a particular secure test cannot be registered together with a database that has been used to create the test or a computer program that is used to administer the test. To register a database or a computer program, applicants must submit a separate application, pay a separate fee, and submit the appropriate deposit for each work. Under no circumstances will the Office examine a database or a computer program under the special procedure for secure tests.

When completing the application, applicants should state ''secure test'' as part of the title of the work, so that the Office can assign the claim to an appropriate member of the Registration Program. Upon request, the examiner will remove this statement from the title field before the claim is approved. Applicants may assert a claim in this type of work by stating ''text,'' or ''compilation of test questions'' in the application. To register a revised version of a preexisting test, applicants may state ''revised secure test.''

The redacted copy of the test should contain an unredacted copy of the title page for the test (if any), and a redacted copy of each page of questions. The number that has been assigned to each question (if any), and the page number that appears on each page of the test (if any) should be completely visible. Most of the content that appears on each page may be blocked out, provided that the applicant leaves a narrow vertical or diagonal strip of visible content. An example of an appropriate method for preparing a redacted copy has been provided in the new circular for secure tests. *See Copyright Registration for Secure Tests* (Circular 64).

Applicants must upload the questionnaire and the redacted copy of the test to the electronic registration system; each item must be uploaded as a separate file. The file name for the questionnaire should include the term ''Questionnaire'' and the case number assigned to the claim. This eleven-digit number is automatically generated by the electronic registration system and it appears near the top of each screen of the online application. The file name for the redacted copy should match the title provided in response to questions 1 and 9 of the questionnaire.

B. Scheduling the Appointment

Once the application, filing fee, questionnaire, and the redacted copy have been received, the Office will assign the claim to a Literary Division examiner. The examiner will review these items to determine if the work appears to be eligible for the secure test procedure, based on the following criteria:

First and foremost, the work must be a ''test.'' Questions that are stored in—or randomly pulled from—an electronic database or a test bank cannot be registered as a secure test if the database or test bank is simply a medium for storing questions and does not represent an actual test.

Second, under the longstanding regulatory definition, the test also must be administered under supervision at specified centers on scheduled dates. See 37 CFR 202.20(b)(4).[4] A ''specified center'' is a place where test takers are physically assembled at the same time. For example, a ''test'' administered via a Web site to people located in their individual homes or offices would not be eligible for this procedure, both because a home or office would not qualify as a ''specified center'' and because the tests presumably would not be administered ''under supervision.'' In contrast, a test administered via computer to test takers gathered at the same time at proctor-monitored locations would qualify, even if the test is accessed through a secure Web site. In addition, the test must be administered ''under supervision,'' *e.g.,* with test proctors or the like. These features are what, in the Office's estimation, most readily distinguish an ordinary test from a ''secure'' test that requires special registration procedures, including the acceptance of a redacted copy of the deposit. These features were common to all of the test publishers that originally requested this procedure as a matter of public policy, and these features continue to be employed in the administration of the secure tests that provided the foundation for this procedure. 42 FR 59304 & n.2 (citing ''tests used in connection with admission to educational institutions, high school equivalency, placement in or credit for undergraduate and graduate course work, awarding of scholarships, and professional certification'').

If the test appears to be eligible for the secure test procedure, the examiner will contact the applicant and schedule an appointment to examine the test. But the fact that the examiner schedules an appointment does not necessarily mean that the work is eligible for the secure test procedure or that it will be registered. If at the time of the appointment, the examiner determines that the work does not meet the relevant legal and formal requirements, he or she will refuse to register the work as a secure test.[5]

[4] The interim rule replaces the phrase ''specific dates'' in the current regulation with the more precise phrase ''scheduled dates.'' No substantive change is intended.

[5] If the work appears to be eligible for registration under the normal examination procedures for a test, the examiner will ask the applicant to upload a complete, unredacted copy of the work, and he or

C. Processing Time

Secure test claims will be reviewed in the order they are received, and will not be given priority over other claims with an earlier filing date. If an applicant would like to expedite the examination of a particular test or the scheduling of an appointment, the applicant must submit a request for special handling, demonstrate that there is a compelling reason for the request (such as litigation or publication deadlines), and pay the additional fee for expedited service. But regardless of whether the applicant requests special handling, the date that the Office received all the required elements in proper form through the electronic registration system will retroactively become the effective date of registration if the application is approved after examination.

D. What To Bring to the Appointment

On the day of the appointment, the applicant must bring the following materials to the Office:

(i) *A copy of the completed application.*

(ii) *The nonrefundable secure test examination fee.* This fee will be based on the amount of time that it takes to examine the test materials during the appointment, and it is in addition to the filing fee mentioned above. Both the filing fee and the examination fee are nonrefundable, regardless of whether the Office issues a certificate of registration for the test.

(iii) *A copy of the redacted version of the test that was uploaded to the electronic registration system.*

(iv) *A signed declaration confirming that this redacted copy is identical to the redacted copy that was uploaded to the electronic registration system.* Applicants may obtain a copy of this declaration from the Office's Web site at *https://copyright.gov/forms/securetest-declaration.pdf.*

(v) *An unredacted copy of the actual test that is administered to test takers at specified centers on scheduled dates.*

In all cases, applicants must bring a physical copy of the unredacted version of the test, and the content of the test must be completely visible so that it may be examined. The questions that appear in the unredacted copy should precisely match the questions that appear in the redacted copy. If the test is administered with test booklet(s), the applicant should bring one complete copy of those booklet(s).[6] If it is administered at specified centers on scheduled dates with computers or other electronic devices, the applicant may bring one of the following items:

(i) *A printout containing a complete copy of the actual test;* or

(ii) *An electronic file that contains a complete copy of the actual test.* The file must be stored on a CD–ROM, DVD, flash drive, or other storage device. The applicant must bring a laptop or other electronic device that can be used to view the test materials. Providing access to an electronic copy available online or an electronic file stored solely on the applicant's device (rather than a separate storage device) is insufficient. In addition, the applicant should bring an appropriate container for the storage device, such as an envelope or jewel case.

E. In-Person Examination of Secure Tests

The examiner will review the redacted and unredacted copies in a secure location in the presence of the applicant or his/her representative.[7] When the examination is complete, the examiner will stamp the date of the appointment on the redacted and unredacted copies and will return them to the applicant. If the applicant brought test booklet(s) or a printout of the test, the specialist will stamp the first page of the test materials. If the applicant brought an electronic file stored on a flash drive or other storage device, the examiner will place the device in its container, stamp the date of the appointment on a label, apply that label to the container, and seal the container with tamper-proof tape. The signed declaration and the redacted copy that was uploaded to the electronic system will be retained by the Office.

If the examiner determines that the relevant legal and formal requirements have been met, he or she will register the claim(s) and will add an annotation to the certificate such as: ''Basis for registration: Secure test examined under 37 CFR 202.13.'' The registration will be effective as of the date that the Office received in proper form the application, filing fee, and the redacted copy that was uploaded to the electronic registration system. In this respect, the interim rule will provide test publishers with the benefit of an earlier effective date of registration as compared to the current procedure.

III. Request for Comments

The interim rule will go into effect 30 days after the publication of this notice in the **Federal Register**. Comments will be due 150 days thereafter. The Office decided to issue this rule without publishing an initial notice of proposed rulemaking for two reasons.

First, this is a ''rule[ ] of agency organization, procedure, or practice.'' 5 U.S.C. 553(b)(3)(A). It does not ''alter the rights or interests of parties.'' *JEM Broadcasting Co.* v. *FCC,* 22 F.3d 320, 326 (D.C. Cir. 1994). It merely ''alter[s] the manner in which the parties present themselves or their viewpoints to the agency.'' *Id.* Thus, notice and comment is not required under the Administrative Procedure Act.

Second, the rule codifies many of the Office's existing procedures for examining secure tests. These procedures have been in place for more than thirty years, so interested parties should be familiar with them already. The rule does change the Office's current procedures in some respects, but there is good cause for making these changes effective on an interim basis: Doing so will give both the Office and interested parties an opportunity to see how the new procedures work in practice, and to consider whether these procedures should be modified in any respect before the Office issues a final rule. *See* 5 U.S.C. 553(b)(3)(B).

* * * * *

List of Subjects

37 CFR Part 201

Copyright, General provisions.

37 CFR Part 202

Copyright, Preregistration and Registration of Claims to Copyright.

Interim Regulation

In consideration of the foregoing, the U.S. Copyright Office amends 37 CFR parts 201 and 202 as follows:

PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

■ 2. In § 201.3, revise paragraph (d)(5) to read as follows:

she will change the effective date of registration to match the date that the unredacted copy is received.

[6] As mentioned above, different versions of the same test cannot be registered together on one application. There is no group registration option for secure tests.

[7] If the test is lengthy or if the applicant is bringing multiple tests to the appointment, the Office may assign two or more examiners to handle the claims. The number of examiners assigned to each claim will be determined solely by the Office. In such cases, the applicant must pay a separate examination fee for each staff member who participates in the examination.

§ 201.3 Fees for registration, recordation, and related services, special services, and services performed by the Licensing Division.

* * * * *

(5) Secure test examining fee (per staff member per hour)	250

* * * * *

PART 202—PREREGISTRATION AND REGISTRATION OF CLAIMS TO COPYRIGHT

■ 3. The authority citation for part 202 continues to read as follows:

Authority: 17 U.S.C. 408(f), 702.

■ 4. Add § 202.13 to read as follows:

§ 202.13 Secure tests.

(a) *General.* This section prescribes rules pertaining to the registration of secure tests.

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

(1) A *secure test* is a nonmarketed test administered under supervision at specified centers on scheduled dates, all copies of which are accounted for and either destroyed or returned to restricted locked storage following each administration.

(2) A test is *nonmarketed* if copies of the test are not sold, but instead are distributed and used in such a manner that the test sponsor or publisher retains ownership and control of the copies.

(3) A test is administered *under supervision* if test proctors or the equivalent supervise the administration of the test.

(4) A *specified center* is a place where test takers are physically assembled at the same time.

(c) *Deposit requirements.* Pursuant to the authority granted by 17 U.S.C. 408(c)(1), the Register of Copyrights has determined that a secure test may be registered with identifying material, if the following conditions are met:

(1) The applicant must complete and submit a standard application. The application may be submitted by any of the parties listed in § 202.3(c)(1).

(2) The appropriate filing fee, as required by § 201.3(c) of this chapter, must be included with the application or charged to an active deposit account.

(3) The applicant must submit a redacted copy of the entire secure test. In addition, the applicant must complete and submit the questionnaire that is posted on the Copyright Office's Web site. The questionnaire and the redacted copy must be contained in separate electronic files, and each file must be uploaded to the electronic registration system in Portable Document Format (PDF). The Copyright Office will review these materials to determine if the work qualifies for the secure test procedure. If the work appears to be eligible, the Copyright Office will contact the applicant to schedule an appointment to examine an unredacted copy of the test under secure conditions.

(4) On the appointed date, the applicant must bring the following materials to the Copyright Office:

(i) A copy of the completed application.

(ii) The appropriate examination fee, as required by § 201.3(d) of this chapter.

(iii) A copy of the redacted version of the secure test that was uploaded to the electronic registration system.

(iv) A signed declaration confirming that the redacted copy specified in paragraph (c)(4)(iii) of this section is identical to the redacted copy that was uploaded to the electronic registration system.

(v) An unredacted copy of the entire secure test.

(5) The Copyright Office will examine the copies specified in paragraphs (c)(4)(iii) and (v) of this section in the applicant's presence. When the examination is complete, the Office will stamp the date of the appointment on the copies and will return them to the applicant. The Office will retain the signed declaration and the redacted copy that was uploaded to the electronic registration system.

■ 5. Amend § 202.20 as follows:

■ a. Revise paragraph (b)(3).;

■ b. Remove paragraph (b)(4);

■ c. Redesignate paragraphs (b)(5) and (6) as paragraphs (b)(4) and (5), respectively;

■ d. Remove '', as amended by Pub. L. 94–553'' from newly redesignated paragraph (b)(4) and add a period in its place; and

■ e. Revise paragraph (c)(2)(vi).

The revisions read as follows:

§ 202.20 Deposit of copies and phonorecords for copyright registration.

* * * * *

(b) * * *

(3) The term *secure test* has the meaning set forth in § 202.13(b).

* * * * *

(c) * * *

(2) * * *

(vi) *Tests.* In the case of tests, and answer material for tests, published separately from other literary works, the deposit of one complete copy will suffice in lieu of two copies. In the case of any secure test the applicant may submit identifying material in lieu of one complete copy if the conditions set forth in § 202.13(c) have been met.

* * * * *

Dated: May 19, 2017.

Karyn Temple Claggett,

Acting Register of Copyrights and Director of the U.S. Copyright Office.

Approved by:

Carla D. Hayden,

Librarian of Congress.

[FR Doc. 2017–12021 Filed 6–9–17; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2016–0244; FRL–9962–54–Region 9]

Approval and Promulgation of Implementation Plans; State of California; Coachella Valley; Attainment Plan for 1997 8-Hour Ozone Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving state implementation plan (SIP) revisions submitted by the State of California to provide for attainment of the 1997 8-hour ozone national ambient air quality standards (NAAQS or ''standards'') in the Coachella Valley nonattainment area. The EPA finds the emissions inventories to be acceptable and is approving the reasonably available control measures, transportation control strategies and measures, rate of progress and reasonable further progress demonstrations, attainment demonstration, and vehicle miles traveled offset demonstration. We have determined that motor vehicle emissions budgets are not required for the 1997 8-hour ozone standards so we

are not taking final action on this portion of the plan.

DATES: *Effective Date:* This final rule is effective on July 12, 2017.

ADDRESSES: The EPA has established docket number EPA–R09–OAR–2016–0244 for this action. Generally, documents in the docket for this action are available electronically at *http://www.regulations.gov* or in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *http://www.regulations.gov,* some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps, multi-volume reports), and some may not be available in either location (*e.g.,* confidential business information (CBI)). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Tom Kelly, Air Planning Office (AIR–2), EPA Region IX, (415) 972–3856, *kelly.thomasp@epa.gov*.

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

Table of Contents

I. Summary of Proposed Action
II. Public Comments
III. Final Action
IV. Statutory and Executive Order Reviews

I. Summary of Proposed Action

On November 1, 2016, the EPA proposed to approve, under section 110(k)(3) of the Clean Air Act (CAA), portions of several submittals from the California Air Resources Board (CARB) as revisions to the California SIP for the Coachella Valley ozone nonattainment area.[1] 81 FR 75764. The proposal identified the following SIP submittals addressing the CAA planning requirements for attaining the 1997 8-hour ozone NAAQS for the Coachella Valley (and other areas as noted):

- ''Final 2007 Air Quality Management Plan,'' South Coast Air Quality Management District, June 2007 (''2007 AQMP'');
- ''2007 State Strategy for the California State Implementation Plan,'' CARB, Release Date April 26, 2007, and Appendices A–G, CARB, Release Date May 7, 2007 (''2007 State Strategy'');
- ''Status Report on the State Strategy for California's 2007 State Implementation Plan (SIP) and Proposed Revision to the SIP Reflecting Implementation of the 2007 State Strategy,'' CARB, Release Date March 24, 2009 (''2009 State Strategy Status Report'');
- ''Progress Report on Implementation of $PM_{2.5}$ State Implementation Plans (SIP) for the South Coast and San Joaquin Valley Air Basins and Proposed SIP Revisions,'' CARB, Release Date March 29, 2011 (''2011 State Strategy Progress Report''); and
- ''Staff Report, Proposed Updates to the 1997 8-Hour Ozone Standard, State Implementation Plans; Coachella Valley and Western Mojave Desert,'' CARB, Release Date: September 22, 2014 (''2014 SIP Update'').

We refer to these submittals collectively as the ''Coachella Valley Ozone Plan'' or ''Plan.''

The Coachella Valley is classified as Severe-15 with an attainment date no later than June 15, 2019. *See* 75 FR 24409 (May 5, 2010). The relevant CAA requirements appear at Title I, Part D of the CAA, under which states must implement the 1997 8-hour ozone (primary and secondary) standards.[2] The EPA codified rules for the 1997 8-hour ozone standards at 40 CFR part 51, subpart X. *See* 69 FR 23951 (April 30, 2004); 70 FR 71612 (November 29, 2005). The EPA revoked the 1997 8-hour ozone NAAQS in 2015;[3] notwithstanding this revocation, areas that were designated as nonattainment for the 1997 8-hour ozone NAAQS at the time the standards were revoked continue to be subject to certain SIP requirements that previously applied based on area classifications for the standards, under ''anti-backsliding'' regulations that the EPA promulgated to govern the transition from the 1-hour ozone standards to the 8-hour ozone standards. *Id.* at 12296; 40 CFR 51.1105 and 51.1100(o). Thus, in general, the Coachella Valley remains subject to the requirements of the 1997 8-hour ozone NAAQS applicable to ''Severe'' nonattainment areas.

In the November 1, 2016 proposed rule, we proposed to approve the following elements of the Coachella Valley Ozone Plan under applicable statutory and regulatory requirements: The reasonably available control measures (RACM) demonstration; the rate of progress (ROP) and reasonable further progress (RFP) demonstrations; the attainment demonstration; and the demonstration that the SIP provides for transportation control strategies and measures sufficient to offset any growth in emissions from growth in vehicle miles traveled (VMT) or the number of vehicle trips, and to provide for RFP and attainment. More specifically, we determined that:

- No additional RACM, beyond the controls identified in the 2007 AQMP and 2007 State Strategy as revised by the 2009 State Strategy Status Report and 2011 State Strategy Progress Report, would advance attainment of the 1997 8-hour ozone standards in the Coachella Valley to an attainment year of 2017. Therefore, the Coachella Valley Ozone Plan provides for the implementation of all RACM as required by CAA section 172(c)(1) and 40 CFR 51.1105(a)(1) and 51.1100(o)(17) (*see* 81 FR 75769–72 of the proposed rule).
- The ROP and RFP demonstrations in the 2014 SIP Update meet the requirements of CAA sections 172(c)(2) and 182(c)(2)(B) and 40 CFR 51.1105(a)(1) and 51.1100(o)(4) (*see* 81 FR 75774–76 of the proposed rule).
- The air quality modeling in the 2007 AQMP is adequate to support the attainment date of June 15, 2019 (attainment year 2018), and the 2007 AQMP's attainment demonstration meets the requirements of CAA section 182(c)(2)(A) and 40 CFR 51.1105(a)(1) and 51.100(o)(12) (*see* 81 FR 75772–73 of the proposed rule and the Technical Support Document (TSD) for the proposal[4]).
- Appendices D and E of the 2014 SIP Update demonstrate that the State has adopted sufficient transportation control strategies and measures to offset any growth in emissions from increasing VMT and vehicle trips in Coachella Valley, and complies with the VMT emissions offset requirement in CAA section 182(d)(1)(A) and 51.1105(a)(1) and 51.1100(o)(10) (*see* 81 FR 75777–79 of the proposed rule).

We also proposed to approve updated motor vehicle emission budgets (MVEBs) for transportation conformity included in the 2014 SIP Update. *See* 81 FR 75776–77 of the proposed rule. Additionally, although emissions inventories are not a specific requirement under the anti-backsliding provisions, we found that the baseline and milestone year emissions inventories were adequate to support the other elements of the Coachella Valley Ozone Plan, including the RACM, RFP, ROP and attainment

[1] For a precise description of the geographic boundaries of the Coachella Valley ozone nonattainment area, see 40 CFR 81.305.

[2] Title I, Part D of the CAA includes section 172, ''Nonattainment Plan Provisions in General,'' and subpart 2, ''Additional Provisions for Ozone Nonattainment Areas'' (sections 181–185).

[3] 80 FR 12264 (March 6, 2015).

[4] This document is available online at *www.regulations.gov* in the docket EPA–R09–OAR–2016–0244, or from the EPA contact listed at the beginning of this notice.

demonstrations. *See* 81 FR 75768–69 of the proposed rule. We did not propose any action on the Coachella Valley Ozone Plan's contingency measures. The EPA's analysis and findings supporting our proposed actions are summarized in our proposal and are also discussed in the TSD for the proposal.

In today's action, the EPA is finalizing all actions from the proposal, with the sole exception that we are not finalizing approval of the MVEBs in the 2014 SIP Update. As discussed further below, the MVEBs are not a continuing applicable requirement for the Coachella Valley under the EPA's anti-backsliding regulations, and our approval of the MVEBs is therefore not required under the CAA.

II. Public Comments

The EPA's proposed action provided a 30-day public comment period. We received no substantive adverse comments during this period.

III. Final Action

For the reasons discussed in our November 1, 2016 proposal and summarized above, the EPA is approving, under CAA section 110(k)(3), most elements of the Coachella Valley Ozone Plan as proposed. Specifically, the EPA is taking final action to approve the following the following elements as meeting the specified requirements for the revoked 1997 8-hour ozone standards:

- The RACM demonstration as meeting the requirements of CAA section 172(c)(1) and 40 CFR 51.1105(a)(1) and 51.1100(o)(17).
- the ROP and RFP demonstrations as meeting the requirements of CAA sections 172(c)(2) and 182(c)(2)(B) and 40 CFR 51.1105(a)(1) and 51.1100(o)(4).
- the attainment demonstration as meeting the requirements of CAA section 182(c)(2)(A) and 40 CFR 51.1105(a)(1) and 51.1100(o)(12).
- the demonstration that the SIP provides for transportation control strategies and measures sufficient to offset any growth in emissions from growth in VMT or the number of vehicle trips, and to provide for RFP and attainment, as meeting the requirements of CAA section 182(d)(1)(A) and 40 CFR 51.1105(a)(1) and 51.1100(o)(10).

As noted in our proposal, we are not acting on the Plan's contingency measures. Contingency measures are a distinct provision of the CAA that we may act on separately from the attainment requirements.

Upon further reflection, we are not finalizing our proposed approval of the MVEBs in the 2014 SIP Update. The CAA requires transportation conformity only in areas that are designated nonattainment or maintenance. Since the revocation of the 1997 8-hour ozone NAAQS, transportation conformity no longer applies to the Coachella Valley with respect to the revoked standards. 80 FR 12264, 12284 (March 6, 2015). Therefore, we have determined that it is not necessary to approve these budgets, given that they were developed for the now-revoked 1997 8-hour ozone NAAQS. However, consistent with the EPA's transportation conformity rule,[5] the MVEBs from CARB's 2008 Ozone Early Progress Plan[6] will remain in effect for the Coachella Valley until emission budgets are established and found adequate or are approved for the 2008 ozone NAAQS.

In this action, we are also amending 40 CFR 52.220 to clarify the scope of an earlier partial approval of the 2007 AQMP. In 2011, we approved portions of the 2007 AQMP as providing for attainment of the 1997 fine particulate matter NAAQS in the Los Angeles-South Coast area. 76 FR 69928 (November 9, 2011). However, the regulatory text that we adopted in that action did not specify that our approval extended only to those portions of the 2007 AQMP that CARB had submitted to us as SIP revisions,[7] and only to those portions of the submitted material specified for approval in the preamble to that rulemaking. Today's action corrects the regulatory text to reflect that portions of the 2007 AQMP were excluded from the 2011 approval, including a portion applicable to the Coachella Valley that we are approving in today's action, and does not affect the substance of our prior final action, 76 FR 69928 (November 9, 2011).

IV. Statutory and Executive Order Reviews

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

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications 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

[5] 40 CFR part 93, subpart A.

[6] "Early Progress Plans Demonstrating Progress Toward Attaining the 8-hour National Air Quality Standards for Ozone and Setting Transportation Conformity Budgets for Ventura County, Antelope Valley—Western Mojave Desert, Coachella Valley, Eastern Kern County, and Imperial County" (revised), CARB (February 27, 2008). The EPA previously determined that the budgets in the Ozone Early Progress Plan are adequate for transportation conformity purposes. *See* 73 FR 25694 (May 7, 2008).

[7] *See* CARB Resolution 07–41 (September 27, 2007).

submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 11, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

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

Dated: April 20, 2017.

Alexis Strauss,

Acting Regional Administrator, Region IX.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by revising paragraph (c)(398)(ii)(A)(*1*) and adding paragraphs (c)(398)(ii)(A)(*4*) and (c)(486) to read as read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(398) * * *

(ii) * * *

(A) * * *

(*1*) Final South Coast 2007 Air Quality Management Plan (excluding those portions of Chapter 4 (''AQMP Control Strategy'') and Chapter 7 (''Implementation'') addressing District-recommended measures for adoption by CARB and references to those measures (pp. 4–43 through 4–54 and the section titled ''Recommended Mobile Source and Clean Fuel Control Measures'' in table 7–3, pp. 7–8 and 7–9); those portions of Chapter 6 (''Clean Air Act Requirements'') and Chapter 7 (''Implementation'') addressing California Clean Air Act Requirements (pp. 6–13 through 6–22 and page 7–3); those portions of Chapter 4 (''AQMP Control Strategy'') addressing emission and risk reduction goals identified in the AQMP's proposed control measure MOB–03 (''Proposed Backstop Measures for Indirect Sources of Emissions from Ports and Port-Related Facilities'') (p. 4–24); the motor vehicle emissions budgets in Chapter 6 (''Clean Air Act Requirements'') (pp. 6–24 through 6–26), and Chapter 8 (''Future Air Quality—Desert Nonattainment Areas'')), adopted on June 1, 2007.

* * * * *

(*4*) Final South Coast 2007 Air Quality Management Plan, Chapter 8 (''Future Air Quality—Desert Nonattainment Areas'') (excluding pp. 8–14 to 8–17 (regarding transportation conformity budgets)), adopted on June 1, 2007.a

* * * * *

(486) The following plan was submitted on November 6, 2014, by the Governor's designee.

(i) [Reserved]

(ii) *Additional materials.* (A) California Air Resources Board.

(*1*) California Air Resources Board, Staff Report, Proposed Updates to the 1997 8-Hour Ozone Standard, State Implementation Plans; Coachella Valley and Western Mojave Desert (excluding section III (pp. 8–12), Table A–2, Table B–2, Table C–2, the bottom row of Table E–1, Table E–3 and accompanying discussion of Western Mojave Desert ROG calculations on p. E–7, and Figure E–2 (regarding Western Mojave Desert); Table B–3 (regarding contingency measures); and Appendix D (regarding transportation conformity budgets)), adopted on October 24, 2014.

[FR Doc. 2017–12019 Filed 6–9–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 96

[GN Docket No. 12–354; FCC 16–55]

Amendment of the Commission's Rules With Regard to Commercial Operations in the 3550–3650 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection requirements associated with the Commission's *Second Report and Order,* GN Docket No. 12–354, FCC 16–55. This document is consistent with the *Second Report and Order,* which stated that the Commission would publish a document in the **Federal Register** announcing OMB approval and the effective date of the requirements.

DATES: The amendments to 47 CFR 96.25(c)(1)(i), published at 81 FR 49023, July 26, 2016, are effective on July 3, 2017.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Cathy Williams, *Cathy.Williams@fcc.gov,* (202) 418–2918.

SUPPLEMENTARY INFORMATION: This document announces that, on May 11, 2017, OMB approved the revised information collection requirements contained in the Commission's *Second Report and Order,* FCC 16–55, published at 81 FR 49023, July 26, 2016. The OMB Control Number is 3060–1211. The Commission publishes this document as an announcement of the effective date of the requirements. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street SW., Washington, DC 20554. Please include the OMB Control Number, 3060–1211 in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov.*

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

418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on May 11, 2017, for the revised information collection requirements contained in the Commission's rules at 47 CFR 96.25. Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Numbers is 3060–1211.

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

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

OMB Control Number: 3060–1211.

OMB Approval Date: May 11, 2017.

OMB Expiration Date: May 31, 2020.

Title: Sections 96.17; 96.21; 96.23; 96.25; 96.33; 96.35; 96.39; 96.41; 96.43; 96.45; 96.51; 96.57; 96.59; 96.61; 96.63; 96.67, Commercial Operations in the 3550–3650 MHz Band.

Form Number: Not applicable.

Type of Review: Revision of a currently approved information collection.

Respondents: Business or other for-profit entities, state, local, or tribal government and not for profit institutions.

Number of Respondents and Responses: 110,782 respondents; 226,099 responses.

Estimated Time per Response: 0.25–1 hour.

Frequency of Response: One-time and on occasion reporting requirements; other reporting requirements—as needed basis for the equipment safety certifications, and consistently (likely daily) responses automated via the device.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 151, 152, 154(i), 154(j), 155(c), 302(a), 303, 304, 307(e), and 316.

Total Annual Burden: 64,561 hours.

Annual Cost Burden: $13,213,975.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information. The information to be collected will be made available for public inspection. Applicants may request materials or information submitted to the Commission be given confidential treatment under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The FCC adopted an Order on Reconsideration and Second Report and Order, FCC 16–55, that amends rules established in the First Report and Order, FCC 15–47, for commercial use of 150 megahertz in the 3550–3700 MHz (3.5 GHz) band and a new Citizens Broadband Radio Service, on April 28, 2016, published at 81 FR 49023 (July 26, 2016). The rule changes information requirements contained in the First Report and Order are also approved under this Office of Management and Budget (OMB) control number and have not changed since they were last approved by OMB.

The Commission received approval from OMB for the information collection requirements contained in FCC 16–55. The amendments contained in the Second Report and Order create additional capacity for wireless broadband by adopting a new approach to spectrum management to facilitate more intensive spectrum sharing between commercial and federal users and among multiple tiers of commercial users. The Spectrum Access System (SAS) will use the information to authorize and coordinate spectrum use for Citizen Broadband Radio Service Devices (CBSDs). The Commission will use the information to coordinate among the spectrum tiers and determine Protection Areas for Priority Access Licensees (PALs).

The following is a description of the information collection requirements for which the Commission received OMB approval:

Section 96.25(c)(1)(i) requires PALs to inform the SAS if a CBSD is no longer in use.

Section 96.25(c)(2)(i) creates a default protection contour for any CBSD at the outer limit of the PAL Protection Area, but allows a PAL to self-report a contour smaller than that established by the SAS.

These rules which contain information collection requirements are designed to provide for flexible use of this spectrum, while managing three tiers of users in the band, and create a low-cost entry point for a wide array of users. The rules will encourage innovation and investment in mobile broadband use in this spectrum while protecting incumbent users. Without this information, the Commission would not be able to carry out its statutory responsibilities.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–12117 Filed 6–9–17; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 82, No. 111
Monday, June 12, 2017

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 982

[Doc. No. AO–SC–16–0136; AMS–SC–16–0074; SC16–982–1]

Hazelnuts Grown in Oregon and Washington; Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendment of Marketing Order No. 982

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule and opportunity to file exceptions.

SUMMARY: This recommended decision proposes amendments to Marketing Order No. 982 (order), which regulates the handling of hazelnuts grown in Oregon and Washington. The proposed amendments are based on the record of a public hearing held on October 18, 2016, in Wilsonville, Oregon. Two amendments are proposed by the Hazelnut Marketing Board (Board), which is responsible for local administration of the order. The proposed amendments would add both the authority to regulate quality for the purpose of pathogen reduction and the authority to establish different regulations for different markets. In addition, the Agricultural Marketing Service (AMS) proposed to make any such changes as may be necessary to the order to conform to any amendment that may result from the public hearing. The proposals are intended to aid in pathogen reduction and meet the needs of different market destinations.

DATES: Written exceptions must be filed by July 12, 2017.

ADDRESSES: Written exceptions should be filed with the Hearing Clerk, U.S. Department of Agriculture, Room 1031–S, Washington, DC 20250–9200; Fax: (202) 720–9776 or via the Internet at *http://www.regulations.gov.* All comments should reference the docket number and the date and page number of this issue of the **Federal Register**. Comments will be made available for public inspection in the Office of the Hearing Clerk during regular business hours or can be viewed at: *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Melissa Schmaedick, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, Post Office Box 952, Moab, UT 84532; Telephone: (202) 557–4783, Fax: (435) 259–1502, or Julie Santoboni, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., Stop 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Melissa.Schmaedick@ams.usda.gov* or *Julie.Santoboni@ams.usda.gov.*

Small businesses may request information on this proceeding by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., Stop 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Richard.Lower@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing issued on September 27, 2016, and published in the September 30, 2016, issue of the **Federal Register** (81 FR 67217).

This action is governed by the provisions of sections 556 and 557 of title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Orders 12866, 13563, and 13175. Additionally, because this rule does not meet the definition of a significant regulatory action it does not trigger the requirements contained in Executive Order 13771. *See* the Office of Management and Budget's (OMB) 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).

Notice of this rulemaking action was provided to tribal governments through the Department of Agriculture's (USDA) Office of Tribal Relations.

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to the proposed amendments to Marketing Order 982 regulating the handling of hazelnuts grown in Oregon and Washington and the opportunity to file written exceptions thereto. Copies of this decision can be obtained from Melissa Schmaedick, whose address is listed above.

This recommended decision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act,'' and the applicable rules of practice and procedure governing the formulation and amendment of marketing agreements and orders (7 CFR part 900).

The proposed amendments are based on the record of a public hearing held on October 18, 2016, in Wilsonville, Oregon. Notice of this hearing was published in the **Federal Register** on September 30, 2016 (81 FR 67217). The notice of hearing contained two proposals submitted by the Board and one submitted by USDA.

The proposed amendments were recommended by the Board on May 27, 2015, and were submitted to USDA on May 16, 2016. After reviewing the proposals and other information submitted by the Board, USDA made a determination to schedule this matter for hearing. The Board's proposed amendments to the order would: (1) Add authority to regulate quality for the purpose of pathogen reduction; and (2) add authority to establish different outgoing quality regulations for different markets.

USDA proposed to make any such changes as may be necessary to the order to conform to any amendment that may be adopted, or to correct minor inconsistencies and typographical errors.

Ten witnesses testified at the hearing. The witnesses represented hazelnut producers and handlers in the production area, as well as the Board, and one witness was from the USDA. The industry witnesses all supported the proposed amendments, while the USDA witness remained neutral. One dissenting opinion was received by AMS after the notice of hearing was published in the **Federal Register**. In accordance with section 900.16 of the Rules of Practice governing this proceeding (7 CFR 900.16), the ex parte communication, which opposed both

proposals, was entered into the record, and is available on the USDA Web site.

The industry witnesses favored the two proposals. The first proposal would add authority to the order to regulate quality for the purpose of pathogen reduction. The second proposal would allow for the establishment of different outgoing quality regulations for different markets.

The authority to regulate quality does not currently exist in the order. Witnesses at the hearing explained that, if added to the order, the authority to regulate quality would be specifically for the purpose of reducing pathogen contamination in hazelnuts. According to witness testimony, Salmonella, E. coli, and Listeria, are all present in the soil and are chief among the pathogens that the industry would like to reduce. The proposed authority could also assist the industry in complying with the Food and Drug Administration's (FDA) food safety guidelines under the Food Safety Modernization Act of 2011 (FSMA).

The proposal to add authority to establish different outgoing quality regulations for different markets was supported by witnesses who spoke of the need to meet hazelnut purchasers' differing pathogen reduction treatment requirements. In addition, witnesses pointed out the potential cost savings for handlers by allowing different outgoing quality standards for different markets.

At the conclusion of the hearing, the Administrative Law Judge established a deadline of December 2, 2016, for the submission of corrections to the transcript, and January 1, 2017, as a deadline for interested persons to file proposed findings and conclusions or written arguments and briefs based on the evidence received at the hearing. No written arguments or briefs were filed.

Material Issues

The material issues presented on the record of hearing are as follows:

1. Whether to amend §§ 982.12, 982.40, 982.45, and 982.46 to add authority to regulate quality for the purpose of pathogen reduction. Corresponding changes would also revise the subheading ''Grade and Size Regulation'' prior to § 982.45, and the section heading for § 982.45, ''Establishment of grade and size regulations,'' to include quality.

2. Whether to amend § 982.45 to add authority to establish different outgoing regulations for different markets.

3. Whether any conforming changes need to be made as a result of the above proposed amendments. Conforming changes may also include non-substantive, typographical errors.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

Material Issue Number 1—Authority To Regulate Quality

Sections 982.12, 982.40, and 982.45 (''Merchantable hazelnuts,'' ''Marketing policy and volume regulation,'' and ''Establishment of grade and size regulations,'' respectively) should be amended to authorize quality regulation for the purpose of pathogen reduction by inserting the words ''and quality'' after ''grade, size,'' in each section, respectively. Section 982.45 should also be amended by adding a new paragraph (c), ''Quality regulations.'' Additionally, the heading prior to § 982.45 should be revised to read ''Grade, Size, and Quality Regulation.'' Lastly, § 982.46, ''Inspection and certification,'' should be amended by adding paragraph (d). These proposed amendments to the Order would authorize the Board to regulate the quality of hazelnuts.

Currently, § 982.45 of the order states that the Board has authority to regulate grade and size; there is no mention of quality. Witnesses explained that the authority to regulate quality would allow them to regulate product attributes that fall outside the traditional scope of ''grade'' and ''size.''

According to the record, current hazelnut grade and size standards correspond with USDA standards developed in 1975 for inshell hazelnuts and in 1980 for hazelnut kernels. The attributes currently regulated under grade and condition standards include, but are not limited to, characteristics of damaged hazelnuts, such as: Stains, adhering husk, mold, decay, rancidity, and insect injury. According to the record, if the order were amended to regulate quality, ''quality'' as used in the order and regulations would mean the reduction of pathogens. Witnesses explained that product contaminated by pathogens reduces that product's inherent quality and usability in the market. Therefore, the authority to test for and require action to reduce pathogens in hazelnuts would result in a higher quality product.

Witnesses also testified about the importance of quality checks on product during the handling process to ensure that the potential for pathogen contamination is minimized. This could be achieved by implementing kill-steps throughout the handling of hazelnuts and testing for pathogens in the end product. A kill-step is a measure taken, such as heat treatment, to mitigate contamination or the transfer of pathogens during product handling.

The Food Safety Steering Committee (FSSC), a committee of the Board, is conducting research to identify best methods for achieving a 5-log reduction in the presence of pathogens through various kill-steps. A log reduction is a mathematical term used to show the number of pathogens eliminated. A 5-log reduction means lowering the number of pathogens by 100,000-fold. For example, if there were 1,000,000 organisms present, the kill-step would need to reduce the number of organisms to 10 to achieve a 5-log reduction in pathogens. Current industry methods, or ''kill-steps,'' used to achieve a 5-log pathogen reduction include: Treatment with propylene oxide (PPO), steam pasteurization, roasting, and other heat treatments.

Witnesses discussed the need to regulate the levels of Salmonella, E. coli, and Listeria, which are naturally occurring bacteria. Currently, only steam pasteurization is approved by the FDA as a kill-step for hazelnuts. While a 5-log reduction is neither required under the marketing order, nor by existing FSMA guidelines, it is currently used by the FDA for other crops and therefore is used by FSSC as an acceptable minimum.

According to witnesses, authority to propose mandatory quality regulation that could reduce the potential for a widespread illness that could negatively affect the industry as a whole is necessary. Witnesses testified about an outbreak of Salmonella in 2009, which resulted in a recall of hazelnuts. The recall was due to detection of Salmonella at a plant that processed different varieties of nuts that were comingled with hazelnuts. This outbreak spurred research on contamination, the formation of the FSSC, and resulted in the industry's determination that regulation of quality for pathogen reduction is necessary in order to safeguard the industry from future pathogen-related food scares.

The proposed authority could also enable the Board to establish mandatory quality inspections, thereby ensuring that all handlers are fully participating in proper pathogen reduction measures. Such regulation would build consumer confidence and lower the likelihood of the need for another product recall.

Witnesses stated that the anticipated immediate cost impact on the industry as a result of this proposal would be minimal. If approved in a referendum by producers, the addition of ''quality'' to the list of attributes that can be regulated under the order would not result in new, immediate regulation.

Any new regulation would need to be developed and vetted as a proposal, approved and recommended by the Board, published by USDA as a proposed rule, commented on by the public, and receive USDA approval prior to being implemented.

If quality regulation were recommended by the Board and approved by USDA, such regulation would address the industry's desire to reduce the potential for pathogen contaminations. For example, if hazelnuts were to be tested for Salmonella under the authority to regulate quality, it would benefit the industry by ensuring that high levels of this bacteria do not enter the market. The ability to regulate quality would assure customers of the industry's oversight of product quality. As such, witnesses explained that any potential costs of future regulation would be outweighed by the benefits of pathogen reduction in the market.

According to witnesses, hazelnuts are currently inspected for grade and size. The addition of another inspection parameter would not result in significant, increased costs. Additionally, according to the record, the majority of handlers are already voluntarily implementing a kill-step or are shipping to a customer who will perform their own kill-step, thereby eliminating the need for handlers to perform one themselves.

Should the authority to regulate quality be implemented, witnesses discussed the supporting rules and regulations that would need to be developed. Witnesses indicated that handlers would likely be required to submit treatment plans each year, identifying treatment processes, facilities, and documentation procedures. Future regulations would also include compliance and verification provisions, including handler verification plans and record retention requirements to substantiate compliance with the regulations. The Board would be charged with ensuring compliance with any new regulations.

If this proposal were implemented, the Board could establish quality standards for all Oregon and Washington hazelnut handlers, thereby ensuring uniform quality of product and eliminating the free-rider problem. A free-rider is someone who benefits from goods or services, but does not pay for them. In the case of hazelnuts, most handlers treat hazelnuts for pathogen reduction, incurring associated costs and building the reputation of a safe product. Handlers who do not treat hazelnuts for pathogen reduction not only benefit from the reputation built by of others, at no cost, but by not treating their hazelnuts they also put the entire industry at risk of a product recall.

Overall, witnesses anticipated that quality regulations could result in increased returns for both producers and handlers as, in some markets, a higher price would be paid for quality-certified product. Therefore, the potential benefit of higher prices, in addition to reduced contamination, would outweigh the costs, as described above.

Finally, USDA is recommending one clarifying change to the language in the proposed new paragraph 982.45(c), which would add authority to regulate quality. USDA has determined that the language as presented in the Notice of Hearing was redundant and, therefore, confusing. USDA has revised the proposed language in the new paragraph § 982.45(c) so that its intent is more clearly stated. This new language is included in the proposed regulatory text of this recommended decision.

No testimony opposing this proposed amendment was given at the hearing.

For the reasons stated above, it is recommended that §§ 982.12 and 982.40 should be amended, § 982.45 should be amended by adding a new paragraph (c), the heading prior to § 982.45 should be revised to include ''quality,'' and a new paragraph (d) should be added to § 982.46, to add quality regulation authority under the order.

Material Issue Number 2—Different Market Regulations

Section 982.45, ''Establishment of grade and size,'' should be further amended to provide authority to establish different regulations for different markets by adding a new paragraph (d), ''Different regulations for different markets.'' This would add authority to establish different outgoing quality regulations for different markets.

The order does not currently allow for different standards to be applied to hazelnuts shipped to different foreign markets. This proposed authority would allow the Board to develop quality regulations that are best suited for particular market destinations. For example, it would be redundant to treat exports to the People's Republic of China (China), the largest export market for hazelnuts, with a kill-step, because they are roasted and brined in China prior to sale. Witnesses explained that if hazelnuts sold to China were subject to a kill-step prior to exportation, the additional roasting and brining treatment in China would result in a brittle, over-processed product which would no longer be desirable to consumers.

Witnesses clarified that this proposal would not result in new, immediate regulations; it would only result in the authority to establish different quality regulations for different market destinations under the order. If this proposal were implemented, the Board could make recommendations for different regulations for different market destinations to USDA. Any new regulation would need to be developed and vetted as a proposal, approved and recommended by the Board, published by USDA as a proposed rule, opened for public comment, and receive USDA approval prior to being implemented.

Witnesses stated that if any market-specific regulations were to be implemented as a result of this authority, the anticipated impact on producers and handlers would be negligible. Different regulations for different market destinations would not hinder the export of hazelnuts. Witnesses explained that many hazelnut handlers shipping to export markets already voluntarily meet the unique product specifications of those export markets to meet consumer tastes and demands.

No testimony opposing this proposed amendment was given at the hearing.

For the reasons stated above, it is recommended that § 982.45, ''Establishment of grade and size regulations,'' should be further amended by adding a new paragraph (d) to provide authority to establish different quality regulations for different market destinations.

Small Business Considerations

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), AMS has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be unduly or disproportionately burdened. Marketing orders and amendments thereto are unique in that they are normally brought about through group action of essentially small entities for their own benefit.

Hazelnut Industry Background and Overview

According to the hearing transcript, there are currently over 800 hazelnut growers in the production area. According to National Agricultural Statistics Service (NASS) data presented at the hearing, 2015 grower receipts averaged $2,800 per ton. With a total 2015 production of 31,000 tons, the

farm gate value for hazelnuts in that year totaled $86.8 million ($2,800 per ton multiplied by 31,000 tons). Taking the total value of production for hazelnuts and dividing it by the total number of hazelnut growers provides a return per grower of $108,500. A small grower as defined by the Small Business Administration (SBA) (13 CFR 121.201) is one that grosses less than $750,000 annually. Therefore, a majority of hazelnut growers are considered small entities under the SBA standards. Record evidence indicates that approximately 98 percent of hazelnut growers are small businesses.

According to the industry, there are 17 hazelnut handlers, four of which handle 80 percent of the crop. While market prices for hazelnuts were not included among the data presented at the hearing, an estimation of handler receipts can be calculated using the 2015 grower receipt value of $86.8 million. Multiplying $86.8 million by 80 percent ($86.8 million × 80 percent = $69.4 million) and dividing by four indicates that the largest hazelnut handlers received an estimated $17.3 million each. Dividing the remaining 20 percent of $86.8 million, or $17.4 million, by the remaining 13 handlers, indicates average receipts of $1.3 million each. A small agricultural service firm is defined by the SBA as one that grosses less than $7,500,000. Based on the above calculations, a majority of hazelnut handlers are considered small entities under SBA's standards.

The production area regulated under the order covers Oregon and Washington. According to the record, Eastern Filbert Blight has heavily impacted hazelnut production in Washington. One witness stated that there currently is no commercial production in that state. As a result, production data entered into the record pertains almost exclusively to Oregon.

NASS data indicates bearing acres of hazelnuts reached a fifteen-year high during the 2013–2014 crop year at 30,000 acres. Acreage has remained steady, at 30,000 bearing acres for the 2015–2016 crop year. By dividing 30,000 acres by 800 growers, NASS data indicate there are approximately 37.5 acres per grower. Industry testimony estimates that due to new plantings, there are potentially 60,000 bearing acres of hazelnuts, or an estimated 75 bearing acres per hazelnut grower.

During the hearing held October 18, 2016, interested parties were invited to present evidence on the probable regulatory impact of the proposed amendments to the order on small businesses. The evidence presented at the hearing shows that none of the proposed amendments would have a significant economic impact on a substantial number of small agricultural producers or firms.

Material Issue Number 1—Adding Authority To Regulate Quality

The proposal described in Material Issue 1 would amend § 982.45 to authorize the Board to establish minimum quality requirements and § 982.46 to allow for certification and inspection to enforce quality regulations.

Presently, the Board is charged with assuring hazelnuts meet grade and size standards. The Board also has the authority to employ volume control. If finalized, this proposal would authorize the Board to propose quality regulations that require a treatment to reduce pathogen load prior to shipping hazelnuts. Witnesses supported this proposal and stated that treatment regulation would not significantly impact the majority of handlers since most handlers already treat product prior to shipment. Witness testimony indicated that the proposed amendment would lower the likelihood of a product recall incident and the associated negative economic impacts. Witnesses noted that the proposed amendment would give the Board flexibility to ensure consumer confidence in the quality of hazelnuts.

It is determined that the additional costs incurred to regulate quality would be greatly outweighed by the increased flexibility for the industry to respond to changing quality regulation and food safety. There is expected to be no financial impact on growers. Mandatory treatment requirements should not cause dramatic increases in handler operating costs, as most already voluntarily treat hazelnuts. Handlers bear the direct cost associated with installing and operating treatment equipment or contract out the treatment of product to a third party.

According to the industry, most domestic hazelnut product is shipped to California for PPO treatment. The cost to ship and treat product is estimated to be 10 cents per pound or less. Using 2014–2015 shipment data, at 10 cents per pound, the cost to ship and treat the 6.5 million pounds of Oregon hazelnuts shipped to the domestic market is not expected to exceed $650,000. Shipments to foreign markets typically do not require treatment and therefore have no associated treatment costs. Large handlers who wish to install treatment equipment may face costs ranging from $100,000 to $5,000,000 depending on the treatment system.

One witness noted that mandatory treatment would benefit the industry by addressing the free-rider situation in which handlers who do not treat the product benefit from consumer confidence while incurring additional risks. Handlers that do treat product absorb all costs of treatment while building the reputation of the industry.

The record shows that the proposal to add authority to establish different outgoing quality requirements for different markets would, in itself, have no economic impact on producers or handlers of any size. Regulations implemented under that authority could impose additional costs on handlers required to comply with them. However, witnesses testified that establishing mandatory regulations for different markets could increase the industry's credibility and reduce the risk that shipments of substandard product could jeopardize the entire industry's reputation. Record evidence shows that any additional costs are likely to be offset by the benefits of complying with those requirements.

For the reasons described above, it is determined that the costs attributed to the above-proposed changes are minimal; therefore, the proposal would not have a significant economic impact on a substantial number of small entities.

Material Issue Number 2—Adding Authority for Different Market Regulations

The proposal described in Material Issue 2 would allow for the establishment of different outgoing quality regulations for different markets.

Witnesses testified that allowing different regulations for different markets would likely lower the costs to handlers and prevent multiple treatments of hazelnuts while preserving hazelnut quality.

Certain buyers of hazelnuts do not require prior treatment and perform their own kill-step processes such as roasting, baking or pasteurization. A witness stated that two of the largest buyers of hazelnuts, Diamond of California and Kraft Foods, Inc. choose to treat product after arrival.

Shipments to foreign markets often do not require treatment and are treated after exportation. Testimony indicated that during the 2014–2015 season, of the 9.5 million pounds of kernel hazelnuts shipped to Canada, almost all were further treated by the customers. In conjunction with the proposed quality authority discussed in Material Issue 1, specific regulation could be developed to exempt exported product, subject to further pathogen-reduction treatment in

the country of purchase, from mandatory treatment. In Canada, the purchaser, not the handler, is responsible for providing pathogen reduction treatment. Requiring handlers to treat hazelnuts before export would be duplicative in cost and treatment. At 10 cents per pound, it is estimated that on sales to Canada alone, handler savings could reach as much as $950,000 (9.5 million pounds of shipments multiplied by 10 cents per pound), if exempted from the mandatory treatment requirement. Hazelnuts shipped to China are typically processed after arrival and also do not necessitate treatment by handlers in the United States.

China is a major export market for inshell hazelnuts. According to the hearing transcript, from 2011–2015, 54 percent of inshell hazelnuts were exported. The total value of inshell exports was approximately $41,340,780, if 54 percent is multiplied by the $76,557,000 total hazelnut exports. In 2015–2016 China received 90 percent of U.S. inshell hazelnut exports. The 2015–2016 value of U.S. hazelnut exports to China is estimated to be approximately $37,206,702, or 90 percent of the value of all U.S. inshell exports. Oregon hazelnuts compete primarily with Turkish (kernel) and Chilean (inshell) hazelnuts. Testimony indicates that multiple treatments of hazelnuts would likely affect the quality of hazelnuts. Allowing for different regulations for different markets would help Oregon and Washington hazelnuts compete in foreign markets and maintain U.S. market share. It is estimated that 80 to 90 percent of product is already being treated, and thus, the cost has already been incorporated into the price purchasers pay.

One witness noted that shipments to the European Union may require different regulations since this market prefers certain treatment processes.

The record shows that the proposal to add authority to establish different outgoing quality requirements for different markets would, in itself, have no economic impact on producers or handlers of any size. Regulations implemented under that authority could potentially impose additional costs on handlers required to comply with them.

For the reasons described above, it is determined that the benefits of adding authority for different market regulations to the order would outweigh the potential costs of future implementation.

USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule. These amendments are intended to improve the operation and administration of the order and to assist in the marketing of hazelnuts.

Board meetings regarding these proposals, as well as the hearing date and location, were widely publicized throughout the Oregon and Washington hazelnut industry, and all interested persons were invited to attend the meetings and the hearing to participate in Board deliberations on all issues. All Board meetings and the hearing were public forums, and all entities, both large and small, were able to express views on these issues. Finally, interested persons are invited to submit information on the regulatory impacts of this action on small businesses.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Paperwork Reduction Act

Current information collection requirements for Part 982 are approved by OMB, under OMB Number 0581–0189—''Generic OMB Fruit Crops.'' No changes in these requirements are anticipated as a result of this proceeding. Should any such changes become necessary, they would be submitted to OMB for approval.

As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

Civil Justice Reform

The amendments to the order proposed herein have been reviewed under Executive Order 12988, Civil Justice Reform. They are not intended to have retroactive effect. If adopted, the proposed amendments would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this proposal.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed no later than 20 days after the date of entry of the ruling.

Rulings on Briefs of Interested Persons

Briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth in this recommended decision. To the extent that the suggested findings and conclusions filed by interested persons are inconsistent with the findings and conclusions of this recommended decision, the requests to make such findings or to reach such conclusions are denied.

General Findings

The findings hereinafter set forth are supplementary to the findings and determinations which were previously made in connection with the issuance of the marketing agreement and order; and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(1) The marketing order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, would tend to effectuate the declared policy of the Act;

(2) The marketing order, as amended, and as hereby proposed to be further amended, regulates the handling of hazelnuts grown in the production area (Oregon and Washington) in the same manner as, and is applicable only to, persons in the respective classes of commercial and industrial activity specified in the marketing order upon which a hearing has been held;

(3) The marketing order, as amended, and as hereby proposed to be further amended, is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

(4) The marketing order, as amended, and as hereby proposed to be further amended, prescribes, insofar as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of hazelnuts grown in the production area; and

(5) All handling of hazelnuts grown in the production area as defined in the marketing order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

A 30-day comment period is provided to allow interested persons to respond to this proposal. Thirty days is deemed appropriate because these proposed changes have already been widely publicized, and the Board and industry would like to avail themselves of the opportunity to exercise the new authority. All written exceptions received within the comment period will be considered, and a producer referendum will be conducted before any of these proposals are implemented.

List of Subjects in 7 CFR Part 982

Hazelnuts, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

Recommended Further Amendment of the Marketing Order

For the reasons set out in the preamble, 7 CFR part 982 is proposed to be amended as follows:

PART 982—HAZELNUTS GROWN IN OREGON AND WASHINGTON

■ 1. The authority citation for 7 CFR part 982 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Revise § 982.12 to read as follows:

§ 982.12 Merchantable hazelnuts.

Merchantable hazelnuts means inshell hazelnuts that meet the grade, size, and quality regulations in effect pursuant to § 982.45 and are likely to be available for handling as inshell hazelnuts.

■ 3. Amend § 982.40 by revising paragraph (d) to read as follows:

§ 982.40 Marketing policy and volume regulation.

* * * * *

(d) *Grade, size, and quality regulations.* Prior to September 20, the Board may consider grade, size, and quality regulations in effect and may recommend modifications thereof to the Secretary.

* * * * *

■ 4. Revise the undesignated center heading prior to § 982.45 to read as follows:

Grade, Size, and Quality Regulation

■ 5. In § 982.45:

■ a. Revise the section heading; and

■ b. Add new paragraphs (c) and (d).

The revisions should read as follows:

§ 982.45 Establishment of grade, size, and quality regulations.

* * * * *

(c) *Quality regulations.* For any marketing year, the Board may establish, with the approval of the Secretary, such minimum quality and inspection requirements applicable to hazelnuts to facilitate the reduction of pathogens as will contribute to orderly marketing or will be in the public interest. In such marketing year, no handler shall handle hazelnuts unless they meet applicable minimum quality and inspection requirements as evidenced by certification acceptable to the Board.

(d) *Different regulations for different markets.* The Board may, with the approval of the Secretary, recommend different outgoing quality requirements for different markets. The Board, with the approval of the Secretary, may establish rules and regulations necessary and incidental to the administration of this provision.

■ 6. Amend § 982.46 by adding paragraph (d) to read as follows:

§ 982.46 Inspection and certification.

* * * * *

(d) Whenever quality regulations are in effect pursuant to § 982.45, each handler shall certify that all product to be handled or credited in satisfaction of a restricted obligation meets the quality regulations as prescribed.

Dated: June 5, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–11946 Filed 6–9–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0530; Directorate Identifier 2017–NM–012–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2016–11–02, which applies to all Bombardier, Inc., Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes; Model CL–600–2D15 (Regional Jet Series 705) airplanes; Model CL–600–2D24 (Regional Jet Series 900) airplanes; and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. AD 2016–11–02 requires repetitive inspections of the upper and lower engine pylons for protruding, loose, or missing fasteners; and repair if necessary. Since we issued AD 2016–11–02, we have determined that a terminating action is necessary to address the unsafe condition. This proposed AD would continue to require the repetitive inspections of the upper and lower engine pylons for protruding, loose, or missing fasteners; and repair if necessary. This proposed AD would also require replacement of affected fasteners, which terminates the inspections. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 27, 2017.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Bombardier, Inc., 400 Côte Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514 855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0530; 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: Aziz Ahmed, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7329; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0530; Directorate Identifier 2017–NM–012–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

On May 17, 2016, we issued AD 2016–11–02, Amendment 39–18529 (81 FR 33371, May 26, 2016) (''AD 2016–11–02''), for all Bombardier, Inc., Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes; Model CL–600–2D15 (Regional Jet Series 705) airplanes; Model CL–600–2D24 (Regional Jet Series 900) airplanes; and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. AD 2016–11–02 was prompted by reports of loose or missing fasteners on the upper and lower engine pylon structure common to the upper and lower pylon skin panels and engine thrust fitting. AD 2016–11–02 requires repetitive detailed visual inspections of the upper and lower engine pylons for protruding, loose, or missing fasteners; and repair, including applicable related investigative and corrective actions, if necessary. We issued AD 2016–11–02 to detect and correct protruding, loose, or missing fasteners, which could result in structural failure of the engine pylons.

Since we issued AD 2016–11–02, we have determined that a terminating action is necessary to address the unsafe condition. In addition, Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2016–10R1, dated July 8, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Bombardier, Inc., Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes; Model CL–600–2D15 (Regional Jet Series 705) airplanes; Model CL–600–2D24 (Regional Jet Series 900) airplanes; and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. The MCAI states:

> There have been several reported findings of loose or missing Hi-Lite fasteners and collars on the left hand (L/H) and right hand (R/H) upper and lower engine pylon structure common to the upper and lower pylon skin panels and engine thrust fitting. Missing fasteners in these areas are shown to significantly reduce the safety margins and could result in a structural failure of the engine pylon.
>
> Bombardier, as an interim corrective action issued a new Aircraft Maintenance Manual (AMM) task for detailed inspection of the engine pylon rib and skin fasteners to inspect for protruding, loose or missing fasteners and rectify any discrepancies noted in accordance with a Repair Engineering Order (REO). The original version of this [Canadian] AD, CF–2016–10, mandated the subject inspection and necessary rectification.
>
> Bombardier has since issued Service Bulletin (SB) 670BA–54–007 to replace all affected fasteners with interference fit fasteners [including applicable related investigative and corrective actions], as terminating action for the mandated inspection requirement. [Canadian] AD CF–2016–10 is now being revised to mandate compliance with SB 670BA–54–007.

Related investigative actions include measurements of the attach holes in the engine pylon upper structure and special detailed visual inspections for cracks in the engine pylon structure. Corrective actions include repair. 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–2017–0530.

Related Service Information Under 1 CFR Part 51

Bombardier, Inc., issued Service Bulletin 670BA–54–007, dated May 13, 2016. The service information describes procedures for replacing fasteners and collars, including applicable related investigative and corrective actions.

Bombardier, Inc., also issued Repair Engineering Order 670–54–51–034, ''Repair for Missing or Loose/Protruding Fasteners in Upper and Lower Pylon Skins FS 1088–FS 1098, PBL 69.3 L & RHS,'' Revision A, dated April 20, 2016. The service information describes procedures for repair, including applicable related investigative and corrective actions.

In addition, Bombardier, Inc., issued Temporary Revision 54–0007, dated March 8, 2016, to the CRJ700/900/1000 AMM. The service information describes procedures for a detailed visual inspection for protruding, loose, or missing fasteners of the left-hand and right-hand upper and lower engine pylons.

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 273 airplanes of U.S. registry.

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection (retained from AD 2016–11–02).	1 work-hour × $85 per hour = $85 per inspection cycle.	$0	$85 per inspection cycle	$23,205 per inspection cycle.
Replacement (new action)	43 work-hours × $85 per hour = $3,655 per inspection cycle.	1,808	$5,463 per inspection cycle ...	$1,491,399 per inspection cycle.

We estimate the following costs to do any necessary repairs that would be required based on the results of the inspection. We have no way of determining the number of aircraft that might need these repairs:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair (retained from AD 2016–11–02)	Up to 32 work-hours × $85 per hour = $2,720	[1]	Up to $2,720.

[1] We have received no definitive data that would enable us to provide cost estimates for the parts cost specified in this proposed AD for the on-condition repairs.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2016–11–02, Amendment 39–18529 (81 FR 33371, May 26, 2016), and adding the following new AD:

Bombardier, Inc.: Docket No. FAA–2017–0530; Directorate Identifier 2017–NM–012–AD.

(a) Comments Due Date

We must receive comments by July 27, 2017.

(b) Affected ADs

This AD replaces AD 2016–11–02, Amendment 39–18529 (81 FR 33371, May 26, 2016) (''AD 2016–11–02'').

(c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1) through (c)(4) of this AD, certificated in any category.

(1) Bombardier, Inc., Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, serial numbers (S/Ns) 10002 through 10344, inclusive.

(2) Bombardier, Inc., Model CL–600–2D15 (Regional Jet Series 705) airplanes, S/Ns 15001 through 15388 inclusive, 15391, 15392, and 15395.

(3) Bombardier, Inc., Model CL–600–2D24 (Regional Jet Series 900) airplanes, S/Ns 15001 through 15388 inclusive, 15391, 15392, and 15395.

(4) Bombardier, Inc., Model CL–600–2E25 (Regional Jet Series 1000) airplanes, S/Ns 19001 through 19044 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 54, Nacelles/Pylons.

(e) Reason

This AD was prompted by reports of loose or missing fasteners and collars on the upper and lower engine pylon structure common to the upper and lower pylon skin panels and engine thrust fitting. We are issuing this AD to prevent protruding, loose, or missing fasteners, which could result in structural failure of the engine pylons.

(f) Compliance

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

(g) Retained Inspection, With a Reference To Terminating Action

This paragraph restates the requirements of paragraph (g) of AD 2016–11–02, with a reference to new terminating action. At the applicable time specified in paragraph (g)(1) or (g)(2) of this AD: Do a detailed visual inspection for protruding, loose, or missing fasteners of the upper and lower engine pylons, in accordance with Bombardier Temporary Revision (TR) 54–0007, dated March 8, 2016, to the CRJ700/900/1000 Aircraft Maintenance Manual. Repeat the inspection thereafter at intervals not to exceed 1,500 flight hours. Accomplishment of the replacement required by paragraph (j) of this AD is terminating action for the inspections required by this paragraph.

(1) For airplanes that have accumulated more than 840 total flight hours as of June 10, 2016 (the effective date of AD 2016–11–02): Inspect within 660 flight hours or 3 months, whichever occurs first, after June 10, 2016.

(2) For airplanes that have accumulated 840 total flight hours or less as of June 10, 2016 (the effective date of AD 2016–11–02): Inspect before the accumulation of 1,500 total flight hours.

(h) Retained Repair, With New Service Information

This paragraph restates the requirements of paragraph (h) of AD 2016–11–02, with new service information. If any protruding, loose, or missing fastener is found during any inspection required by paragraph (g) of this AD, before further flight, repair, including applicable related investigative and corrective actions, in accordance with Bombardier Repair Engineering Order (REO) 670–54–51–034, ''Repair for Missing or Loose/Protruding Fasteners in Upper and Lower Pylon Skins FS 1088–FS 1098, PBL 69.3 L & RHS,'' dated March 7, 2016, or Revision A, dated April 20, 2016; except where Bombardier REO 670–54–51–034, ''Repair for Missing or loose/Protruding Fasteners in Upper and Lower Pylon Skins FS 1088–FS 1098, PBL 69.3 L & RHS,'' dated March 7, 2016; or Revision A, dated April 20, 2016; specifies to contact Bombardier for further instruction, before further flight,

repair using a method approved by the Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA; or TCCA; or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). As of the effective date of this AD, use Bombardier REO 670–54–51–034, ''Repair for Missing or Loose/Protruding Fasteners in Upper and Lower Pylon Skins FS 1088–FS 1098, PBL 69.3 L & RHS,'' Revision A, dated April 20, 2016, for the actions required by this paragraph.

(i) Retained Credit for Previous Actions, With No Changes

This paragraph restates paragraph (i) of AD 2016–11–02, with no changes. This paragraph provides credit only for the initial inspection specified in paragraph (g) of this AD, if that action was performed before June 10, 2016 (the effective date of AD 2016–11–02) using Bombardier Reference Instruction Letter 4212, dated December 23, 2015; or Bombardier Reference Instruction Letter 4212A, Revision A, dated January 28, 2016.

(j) New Requirements of This AD: Fastener and Collar Replacement

Within 12,600 flight hours or 72 months after the effective date of this AD, whichever occurs first: Replace affected fasteners and collars, including doing all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 670BA–54–007, dated May 13, 2016. Where Bombardier Service Bulletin 670BA–54–007, dated May 13, 2016, specifies to contact Bombardier for appropriate action: Before further flight, accomplish the applicable corrective action in accordance with the procedures specified in paragraph (m)(2) of this AD.

(k) Terminating Action for the Introductory Text to Paragraph (g) of This AD

Accomplishing the replacement required by paragraph (j) of this AD constitutes terminating action for the inspections required by the introductory text to paragraph (g) of this AD.

(l) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (j) of this AD, if that action was performed before the effective date of this AD using Bombardier REO 670–54–51–035, ''Permanent Repair for Clearance Fit Installed (-8) Size Fasteners in Upper and Lower Pylon Skins FS 1088–FS 1098, PBL 69.3 L & RHS & Terminating Action for GREO 670–54–51–034,'' dated April 20, 2016.

(m) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO, ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO, send it to: ATTN: The Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO, ANE–170, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA DAO. If approved by the DAO, the approval must include the DAO-authorized signature.

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2016–10R1, dated July 8, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0530.

(2) For more information about this AD, contact Aziz Ahmed, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7329; fax 516–794–5531.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514 855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 24, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–11278 Filed 6–9–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0532; Directorate Identifier 2016–NM–203–AD]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Dassault Aviation Model FALCON 7X airplanes. This proposed AD was prompted by a review showing that inadequate clearance may exist between certain electrical wiring and nearby structures. This proposed AD would require an inspection of certain electrical wiring bundles and feeders, modifications, and corrective actions if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 27, 2017.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0532; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0532; Directorate Identifier 2016–NM–203–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2016–0230, dated November 21, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Dassault Aviation Model FALCON 7X airplanes. The MCAI states:

> A review of the wiring and tubing lay-out showed that there may be low clearance between electrical wiring and nearby structure. Although no in-service incident has been reported, the minimum clearances could deteriorate over time.
>
> This condition, if not detected and corrected, could lead to interference or contact with structure, provoking an electrical short circuit or fluid leakage, possibly resulting in loss of several functions essential for safe flight.
>
> To initially address this potential unsafe condition, [Dassault Aviation] DA developed some interim modifications (mod) addressing the risk of short circuit and fluid leakage, and EASA issued AD 2010–0029 (later revised) [which corresponds to FAA AD 2011–14–04, Amendment 39–16739 (76 FR 39256, July 6, 2011) (''AD 2011–14–04'')] to require embodiment of those modifications in-service.
>
> Since EASA AD 2010–0029R1 was issued, DA developed another set of modifications, available for in-service application through Service Bulletin (SB) F7X–056, which are considered the final solutions for this unsafe condition.
>
> For the reasons described above, this [EASA] AD requires a one-time [general visual] inspection [for worn or damaged wiring or connectors due to inadequate clearance between wiring and nearby structures] of the affected electrical wiring and, depending on findings, corrective action(s) and modification of the aeroplane.

Corrective actions include modifying the clamping and routing; adding new brackets, clamps, and cable protections; replacing damaged parts; and improving connections using lock wires. 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–2017–0532.

Related Rulemaking

AD 2011–14–04 requires inspections for damage to wiring bundles and feeders; and, if necessary, repairs, modifications, and installation of a hydraulic pipe. These actions were considered interim actions to ensure that the minimum required clearance and adequate protection existed among the hydraulic pipe, electrical wiring, and the airplane structure. This proposed AD would require additional inspections and modifications that differ from those in AD 2011–14–04.

This proposed AD would not terminate any action in AD 2011–14–04; rather, both AD actions are necessary to adequately address the unsafe condition.

Related Service Information Under 1 CFR Part 51

We reviewed Dassault Service Bulletin 7X–056, Revision 1, dated July 20, 2016. This service information describes a one-time inspection of certain wiring bundles and feeders, and corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

We estimate that this proposed AD affects 51 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection and modifications	31 work-hours × $85 per hour = $2,635	$7,660	$10,295	$525,045

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Dassault Aviation: Docket No. FAA–2017–0532; Directorate Identifier 2016–NM–203–AD.

(a) Comments Due Date

We must receive comments by July 27, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Dassault Aviation Model FALCON 7X airplanes, certificated in any category, serial numbers (S/N) 2 through 215 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 20, Standard Practices Airframe—Electrical Wiring.

(e) Reason

This AD was prompted by a review that showed that low clearance may exist between certain electrical wiring and nearby structures. We are issuing this AD to detect and correct inadequate clearances between electrical wiring and nearby structures, which could lead to interference or contact with a structure and cause an electrical short circuit or fluid leakage. This could result in the loss of several functions essential for safe flight.

(f) Compliance

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

(g) Inspection, Modification, and Corrective Actions

Within 99 months or 4,100 flight cycles, whichever occurs first, since the date of issuance of the original airworthiness certificate or date of issuance of the original export certificate of airworthiness; or within 60 days after the effective date of this AD; whichever occurs later; do a general visual inspection of the affected electrical wirings of the airplane for worn or damaged wiring or connectors due to inadequate clearance between wiring and nearby structures, accomplish all applicable corrective actions, and modify the airplane, in accordance with the Accomplishment Instructions of Dassault Service Bulletin 7X–056, Revision 1, dated July 20, 2016, as specified in table 1 to paragraph (g) of this AD. Do all applicable corrective actions before further flight. The ''Dassault Service Bulletin 7X–056 Section'' identified in table 1 to paragraph (g) of this AD is not required for airplanes on which a corresponding Dassault modification has been embodied in production, as identified in the ''Excluded'' column in table 1 to paragraph (g) of this AD.

TABLE 1 TO PARAGRAPH (g) OF THIS AD—APPLICABLE SECTIONS OF DASSAULT SERVICE BULLETIN 7X–056, REVISION 1, DATED JULY 20, 2016

Dassault service bulletin 7X–056 section	Excluded
7X–056–1	Post-mod M876.
7X–056–2	Post-mod M897.
7X–056–3	Post-mod M900.
7X–056–4	S/N 132 to 215 inclusive.
7X–056–5	Post-mod M954.
7X–056–6	Post-mod M980.
7X–056–7	Post-mod M1021.
7X–056–8	None.

(h) 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 Dassault Service Bulletin 7X–056, issued October 30, 2014.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Branch, send it to the attention of the person identified in paragraph (j)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2016–0230, dated November 21, 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–2017–0532.

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

(3) For service information identified in this AD, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on June 2, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–12057 Filed 6–9–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0554; Directorate Identifier 2016–NM–201–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 all Airbus Model A300 series airplanes; Model A300 B4–600, B4–600R, and F4–

600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A310 series airplanes. This proposed AD was prompted by a static analysis performed by Airbus that revealed that some areas of the wing structure cannot sustain the damage previously published in certain structural repair manuals. This proposed AD would require an inspection to determine that no repair or damage to certain wing areas is beyond the allowable limits; and repair if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 27, 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–2017–0554; 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–2017–0554; Directorate Identifier 2016–NM–201–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2016–0229, dated November 15, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A300 series airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A310 series airplanes. The MCAI states:

> A static analysis performed by Airbus on A300, A310, A300–600, and A300–600ST aeroplanes, revealed that some areas of the wing structure cannot sustain the damage previously published in the A300, A310, A300–600, and A300–600ST Structural Repair Manuals (SRM).
>
> The SRMs were therefore amended to reduce the dimensions of allowable damage and to indicate the areas of the wing structure where damage is no longer acceptable.
>
> This condition, if not detected, could reduce the structural integrity of the wings.
>
> Consequently, Airbus issued Service Bulletins (SB) A300–57–0256, A310–57–2102, A300–57–6114, and A300–57–9027 (hereafter referred to as ''the applicable Airbus SB''), as applicable for A300, A310, A300–600, and A300–600ST aeroplanes, to inspect the areas identified in these SBs and determine if the repair(s) or damage(s) found stay within the limits indicated in the latest SRM issue (including temporary revisions).
>
> For the reason described above, this [EASA] AD requires accomplishment of an inspection of the aeroplane records. If aeroplane records are missing or incomplete, a Detail Inspection (DET) of specific wing areas is required to ensure that no repair or damage is beyond the limits allowed in the current revision of the SRM (including temporary revisions) [and repair if necessary].

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0554.

Related Service Information Under 1 CFR Part 51

We reviewed the following Airbus Service Information.

- Airbus Service Bulletin A300–57–0256, Revision 00, dated August 3, 2015 (Airbus Model A300 series airplanes).
- Airbus Service Bulletin A300–57–6114, Revision 00, dated August 3, 2015 (for Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes).
- Airbus Service Bulletin A310–57–2102, Revision 00, dated August 3, 2015 (for Model A310 series airplanes).

This service information describes an inspection of the airplane maintenance records or a detailed inspection of the left-hand and right-hand wing areas to determine whether any repair or damage is beyond the allowable limits in the current revision of the SRM, and repair if necessary. These documents are distinct since they apply to different airplane models in different 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 128 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	Up to 18 work-hours × $85 per hour = $1,530.	$0	Up to $1,530	Up to $195,840.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Airbus: Docket No. FAA–2017–0554; Directorate Identifier 2016–NM–201–AD.

(a) Comments Due Date

We must receive comments by July 27, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes, certificated in any category, all manufacturer serial numbers.

(d) Subject

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

(e) Reason

This AD was prompted by a static analysis performed by Airbus that revealed that some areas of the wing structure cannot sustain the damage previously published in the A300, A310, A300–600, and A300–600ST Structural Repair Manuals. We are issuing this AD to detect and correct any repair or damage on the wing structure that is outside the allowable structural limits. Such conditions could reduce the structural integrity of the wings and could result in loss of control of the airplane.

(f) Compliance

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

(g) Inspection

Within 36 months after the effective date of this AD: Do a detailed inspection of the left- and right-hand wing areas to determine whether any repair or damage exceeds the allowable structural limits, in accordance with the Accomplishment Instructions of the applicable service information specified in paragraph (i) of this AD. A review of airplane maintenance records is acceptable in lieu of this inspection if it can be positively determined from that review whether any repair or damage exceeds the allowable structural limits and the airplane configuration can be conclusively determined from that review.

(h) Corrective Action

If, during any review or inspection, as required by paragraph (g) of this AD, any repair or damage is found that is outside the allowable structural limits specified in the applicable service information in paragraph (i) of this AD: Within 3 months after accomplishing the review or inspection required by paragraph (g) of this AD, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA).

(i) Service Information for the Actions Specified in Paragraph (g) of This AD

Use the applicable service information for the actions specified in paragraph (g) of this AD.

(1) Airbus Service Bulletin A300–57–0256, Revision 00, dated August 3, 2015 (for Airbus Model A300 series airplanes).

(2) Airbus Service Bulletin A300–57–6114, Revision 00, dated August 3, 2015 (for Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes)).

(3) Airbus Service Bulletin A310–57–2102, Revision 00, dated August 3, 2015 (for Model A310 series airplanes).

(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, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Branch, send it to the attention of the person identified in paragraph (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 EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016–0229, dated November 15, 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–2017–0554.

(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 June 2, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–12055 Filed 6–9–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0553; Directorate Identifier 2016–NM–208–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all The Boeing Company Model 787–8 and 787–9 airplanes. This proposed AD was prompted by a report that the Parking Brake and Alternate Pitch Trim Module (PBM) may unintentionally disengage, fail to set, fail to release, or become jammed. This proposed AD would require replacing the PBM and doing a PBM installation test. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 27, 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 Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone: 562–797–1717; Internet: *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0553.

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–2017–0553; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Sean Schauer, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6479; fax: 425–917–6590; email: *Sean.Schauer@faa.gov.*

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–2017–0553; Directorate Identifier 2016–NM–208–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 because of those comments.

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

Discussion

We have received a report indicating that the current PBM may unintentionally disengage, fail to set, fail to release, or become jammed. The procedure for releasing the parking brake requires depressing the brake pedals. The current PBM can be disengaged without depressing the brake pedals. Operators may experience error messages, jammed PBM solenoid, unintended parking brake release, and the inability to set or release the parking brake. An unintended parking brake release could result in damage to the airplane and be a hazard to persons or property on the ground.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Service Bulletin B787–81205–SB320028–00, Issue 001, dated October 31, 2016. The service information describes procedures for replacing the PBM and doing a PBM installation test. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0553.

The phrase ''corrective actions'' is used in this proposed AD. Corrective actions correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Differences Between This Proposed AD and the Service Information

The effectivity of Boeing Service Bulletin B787–81205–SB320028–00, Issue 001, dated October 31, 2016, is limited to certain The Boeing Company Model 787–8 and 787–9 airplanes. However, the applicability of this proposed AD includes all Model 787–8 and 787–9 airplanes. Because the affected parts are rotable parts, we have determined that these parts could later be installed on airplanes that were initially delivered with acceptable parts, thereby subjecting those airplanes to the unsafe condition. This difference has been coordinated with Boeing.

Costs of Compliance

We estimate that this proposed AD affects 68 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	1 work-hour × $85 per hour = $85	$0	Up to $85	Up to $5,780.
PBM replacement and test	4 work-hours × $85 per hour = $340	9,655	9,995	679,660.

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):

The Boeing Company: Docket No. FAA–2017–0553; Directorate Identifier 2016–NM–208–AD.

(a) Comments Due Date

We must receive comments by July 27, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 787–8 and 787–9 airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report that the Parking Brake and Alternate Pitch Trim Module (PBM) may unintentionally disengage, fail to set, fail to release, or become jammed. We are issuing this AD to prevent an unintended parking brake release, which could result in damage to the airplane and be a hazard to persons or property on the ground.

(f) Compliance

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

(g) Inspection and Replacement

For airplanes on which the original airworthiness certificate or the original export certificate of airworthiness was issued on or before the effective date of this AD: Within 60 months after the effective date of this AD, inspect the PBM to determine the part number. A review of airplane maintenance or delivery records is acceptable in lieu of the inspection if the part number

of the PBM can be conclusively determined from that review.

(1) If the PBM is Rockwell Collins part number (P/N) 4260–0037–5: No further action is required by this paragraph.

(2) If the PBM is Rockwell Collins P/N 4260–0037–3 or –4: Within 60 months after the effective date of this AD, install PBM P/N 4260–0037–5, do the PBM installation test, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Service Bulletin B787–81205–SB320028–00, Issue 001, dated October 31, 2016. Do all applicable corrective actions before further flight.

(h) Parts Installation Prohibition

As of the effective date of this AD, no person may install on any airplane, a PBM having Rockwell Collins P/N 4260–0037–3 or –4.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) 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.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (i)(4)(i) and (i)(4)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled 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 RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(j) Related Information

(1) For more information about this AD, contact Sean Schauer, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle ACO, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6479; fax: 425–917–6590; email: *Sean.Schauer@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone: 562–797–1717; Internet: *https://www.myboeingfleet.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.

Issued in Renton, Washington, on June 2, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–12058 Filed 6–9–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0533; Directorate Identifier 2016–NM–156–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 all Airbus Model A300 B4–603 and A300 B4–622 airplanes; Model A300 B4–600R series airplanes; Model A300 C4–605R Variant F airplanes; Model A300 F4–600R series airplanes; and Model A310–203, A310–221, A310–222, A310–304, A310–322, A310–324, and A310–325 airplanes. This proposed AD was prompted by an evaluation by the design approval holder (DAH) that indicates that a section of the fuselage structure above the forward cargo door is subject to widespread fatigue damage (WFD). This proposed AD would require an inspection for cracks of the fastener and tooling holes at certain locations and a check of the diameter of the holes, and repair or modification of the affected fuselage structure if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 27, 2017.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NRPM, 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: *continued.airworthiness-wb.external@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.

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–2017–0533; 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–2017–0533; Directorate Identifier

2016–NM–156–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

Structural fatigue damage is progressive. It begins as minute cracks, and those cracks grow under the action of repeated stresses. This can happen because of normal operational conditions and design attributes, or because of isolated situations or incidents such as material defects, poor fabrication quality, or corrosion pits, dings, or scratches. Fatigue damage can occur locally, in small areas or structural design details, or globally. Global fatigue damage is general degradation of large areas of structure with similar structural details and stress levels. Multiple-site damage is global damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Global damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site-damage and multiple-element-damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane, in a condition known as WFD. As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

The FAA's WFD final rule (75 FR 69746, November 15, 2010) became effective on January 14, 2011. The WFD rule requires certain actions to prevent structural failure due to WFD throughout the operational life of certain existing transport category airplanes and all transport category airplanes that will be certificated in the future. For existing and future airplanes subject to the WFD rule, the rule requires that DAHs establish a limit of validity (LOV) of the engineering data that support the structural maintenance program. Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

The WFD rule (75 FR 69746, November 15, 2010) does not require identifying and developing maintenance actions if the DAHs can show that such actions are not necessary to prevent WFD before the airplane reaches the LOV. Many LOVs, however, do depend on accomplishment of future maintenance actions. As stated in the WFD rule, any maintenance actions necessary to reach the LOV will be mandated by airworthiness directives through separate rulemaking actions.

In the context of WFD, this action is necessary to enable DAHs to propose LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur. This approach allows for an implementation strategy that provides flexibility to DAHs in determining the timing of service information development (with FAA approval), while providing operators with certainty regarding the LOV applicable to their airplanes.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive AD 2016–0178, dated September 12, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A300 series airplanes. The MCAI states:

> In the frame of the Widespread Fatigue Damage (WFD) analysis, some structural areas were identified as requiring embodiment of a structural modification.
>
> This condition, if not corrected, could reduce the fuselage structural integrity.
>
> To address this unsafe condition, Airbus issued Service Bulletin (SB) A310–53–2145 and SB A300–53–6187 to provide instructions for structural reinforcement of the fuselage frames (FR) between FR20 Right Hand side (RH) and FR25 RH and the frame couplings between stringer (STGR) 20 RH and STGR23 RH, hereafter collectively referred to as 'the affected fuselage structure' in this [EASA] AD.
>
> For the reason described above, this [EASA] AD requires accomplishment of a one-time special detailed inspection (SDI) of the fastener and tooling holes, and modification of the affected fuselage structure.

The required actions include a rototest inspection for cracks of the fastener and tooling holes at certain locations and a check of the diameter of the holes, and repair or modification of the affected fuselage structure if necessary. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0533.

Related Service Information Under 1 CFR Part 51

Airbus issued the following service information:

- Airbus Service Bulletin A300–53–6187, Revision 00, dated May 31, 2016. This service information describes procedures for a rototest inspection for cracks of the fastener and tooling holes at certain locations, a check of the diameter of the holes, repair, and modification of the affected fuselage structure by reinforcing the frames between right hand FR 20 RH and FR 25 RH, or FR 21 RH and FR 25 RH, depending on the configuration; and reinforcing the frame couplings between stringer STGR 20 RH and STGR 23 RH.
- Airbus Service Bulletin A310–53–2145, Revision 00, dated May 31, 2016. This service information describes procedures for a rototest inspection for cracks of the fastener and tooling holes at certain locations, a check of the diameter of the holes, repair, and modification of the affected fuselage structure by reinforcing the frames between right hand FR20 RH and FR25 RH; and reinforcing the frame couplings between STGR 20 RH and STGR 23 RH.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

We estimate that this proposed AD affects 132 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection, check, repair, and modification	45 work-hours × $85 per hour = $3,825	$2,360	$6,185	$816,420

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–2017–0533; Directorate Identifier 2016–NM–156–AD.

(a) Comments Due Date

We must receive comments by July 27, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus airplanes identified in paragraphs (c)(1) through (c)(5) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Model A300 B4–603 and A300 B4–622 airplanes.

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

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

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

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

(d) Subject

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

(e) Reason

This AD was prompted by an evaluation by the design approval holder that indicates that a section of the fuselage structure above the forward cargo door is subject to widespread fatigue damage. We are issuing this AD to prevent reduced structural integrity of these airplanes due to the failure of certain structural components.

(f) Compliance

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

(g) Check and Rototest Inspection of Affected Fastener and Tooling Holes

Before exceeding 42,500 flight cycles since the first flight of the airplane, do a check of the diameter of the fastener holes and tooling holes and a rototest inspection for cracks of all holes of removed fasteners and the tooling holes at the locations specified in, and in accordance with, the Accomplishment Instructions of Airbus Service Bulletin A300–53–6187, Revision 00, dated May 31, 2016; or Airbus Service Bulletin A310–53–2145, Revision 00, dated May 31, 2016; as applicable.

(h) Repair of Detected Cracks

If any condition specified in paragraph (h)(1) or (h)(2) of this AD is found, prior to further flight, repair in accordance with 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). Concurrently with the repair, unless the approved repair instructions specify otherwise, modify the affected structure, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–53–6187, Revision 00, dated May 31, 2016; or Airbus Service Bulletin A310–53–2145, Revision 00, dated May 31, 2016; as applicable.

(1) Any crack is found during the rototest inspection required by paragraph (g) of this AD.

(2) Any hole diameter is greater than or equal to the maximum starting hole diameter specified in the Accomplishment Instructions of Airbus Service Bulletin A300–53–6187, Revision 00, dated May 31, 2016; or Airbus Service Bulletin A310–53–2145, Revision 00, dated May 31, 2016; as applicable, is found during the check required by paragraph (g) of this AD.

(i) Modification

If, during the actions required by paragraph (g) of this AD, no crack is found and the hole diameter is less than the maximum starting hole diameter specified in the Accomplishment Instructions of Airbus Service Bulletin A300–53–6187, Revision 00, dated May 31, 2016; or Airbus Service Bulletin A310–53–2145, Revision 00, dated May 31, 2016; as applicable, before further flight, modify the affected fuselage structure, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–53–6187, Revision 00, dated May 31, 2016; or Airbus Service Bulletin A310–53–2145, Revision 00, dated May 31, 2016; as applicable.

(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, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Branch, send it to the attention of the person

identified in paragraph (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 EASA; or Airbus's EASA 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 2016–0178, dated September 12, 2016, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0533.

(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 425–227–1405; fax 425–227–2125. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

(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: *continued.airworthiness-wb.external@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 June 2, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–12056 Filed 6–9–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Office of Labor-Management Standards

29 CFR Parts 405 and 406

RIN 1245–AA07

Rescission of Rule Interpreting "Advice" Exemption in Section 203(c) of the Labor-Management Reporting and Disclosure Act

AGENCY: Office of Labor-Management Standards, Department of Labor.

ACTION: Notice of proposed rulemaking; request for comments.

SUMMARY: This Notice of Proposed Rulemaking proposes to rescind the regulations established in the final rule titled ''Interpretation of the 'Advice' Exemption in Section 203(c) of the Labor-Management Reporting and Disclosure Act,'' effective April 15, 2016.

DATES: Comments must be received on or before August 11, 2017.

ADDRESSES: You may submit comments, identified by RIN 1245–AA07, only by the following method:

Internet—Federal eRulemaking Portal. Electronic comments may be submitted through *http://www.regulations.gov.* To locate the proposed rule, use key words such as ''Labor-Management Standards'' or ''Advice Exemption'' to search documents accepting comments. Follow the instructions for submitting comments. Please be advised that comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. The Paperwork Reduction Act section of this preamble provides information about additional comment opportunities for the associated information collection requirements.

FOR FURTHER INFORMATION CONTACT: Andrew Davis, Chief of the Division of Interpretations and Standards, Office of Labor-Management Standards, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–5609, Washington, DC 20210, (202) 693–0123 (this is not a toll-free number), (800) 877–8339 (TTY/TDD).

SUPPLEMENTARY INFORMATION:

I. Statutory Authority

The Department's statutory authority is set forth in sections 203 and 208 of the LMRDA, 29 U.S.C. 432, 438. Section 208 of the LMRDA provides that the Secretary of Labor shall have authority to issue, amend, and rescind rules and regulations prescribing the form and publication of reports required to be filed under Title II of the Act and such other reasonable rules and regulations as he may find necessary to prevent the circumvention or evasion of the reporting requirements. 29 U.S.C. 438. Section 203, discussed in more detail below, sets out the substantive reporting obligations.

The Secretary has delegated his authority under the LMRDA to the Director of the Office of Labor-Management Standards and permitted redelegation of such authority. *See* Secretary's Order 03–2012 (Oct. 19, 2012), published at 77 FR 69375 (Nov. 16, 2012).

II. Background

A. Introduction

The proposal to rescind the March 24, 2016 Rule is part of the Department's continuing effort to fairly effectuate the reporting requirements of the LMRDA. The LMRDA generally reflects obligations of unions and employers to conduct labor-management relations in a manner that protects the rights of employees to exercise their right to choose whether to be represented by a union for purposes of collective bargaining. The LMRDA's reporting provisions promote these rights by requiring unions, employers, and labor relations consultants to publicly disclose information about certain financial transactions, agreements, and arrangements. The Department believes that a fair and transparent government regulatory regime must consider and balance the interests of labor relations consultants, employers, labor organizations, their members, and the public. Any change to a labor relations consultant's recordkeeping, reporting and business practices must be based on a demonstrated and significant need for information, consideration of the burden associated with such reporting, and any increased costs associated with the change.

B. The LMRDA's Reporting Requirements

In enacting the LMRDA in 1959, a bipartisan Congress sought to protect the rights and interests of employees, labor organizations and the public generally as they relate to the activities of labor organizations, employers, labor relations consultants, and their officers, employees, and representatives.

Section 203(a) of the LMRDA, 29 U.S.C. 433(a), requires employers to report to the Department of Labor ''any agreement or arrangement with a labor relations consultant or other

independent contractor or organization'' under which such person ''undertakes activities where an object thereof, directly or indirectly, is to persuade employees to exercise or not to exercise,'' or how to exercise, their rights to union representation and collective bargaining. 29 U.S.C. 433(a)(4).[1] ''[A]ny payment (including reimbursed expenses)'' pursuant to such an agreement or arrangement must also be reported. 29 U.S.C. 433(a)(5). The report must be one ''showing in detail the date and amount of each such payment, . . . agreement, or arrangement . . . and a full explanation of the circumstances of all such payments, including the terms of any agreement or understanding pursuant to which they were made.'' This information must be submitted on the prescribed Form LM–10 (''Employer Report'') within 90 days of the close of the employer's fiscal year. 29 U.S.C. 433(a); 29 CFR part 405.

LMRDA section 203(b) imposes a similar reporting requirement on labor relations consultants and other persons. It provides, in part, that every person who enters into an agreement or arrangement with an employer and undertakes activities where an object thereof, directly or indirectly, is to persuade employees to exercise or not to exercise, or how to exercise, their rights to union representation and collective bargaining ''shall file within thirty days after entering into such agreement or arrangement a report with the Secretary . . . containing . . . a detailed statement of the terms and conditions of such agreement or arrangement.'' 29 U.S.C. 433(b). This information must be submitted on the prescribed Form LM–20 (''Agreement and Activities Report'') within 30 days of entering into the reportable agreement or arrangement. *See* 29 U.S.C. 433; 29 CFR part 406.

A third report is relevant here. Section 203(b) further requires that every labor relations consultant or other person who engages in reportable activity must file an additional report in each fiscal year during which payments were made as a result of reportable agreements or arrangements. The report must contain a statement (A) of the consultant's receipts of any kind from employers on account of labor relations advice or services, designating the sources thereof, and (B) of the consultant's disbursements of any kind, in connection with such services and the purposes thereof. This information must be submitted on the prescribed Form LM–21 (''Receipts and Disbursements Report'') within 90 days of the close of the labor relations consultant's fiscal year. *See* 29 U.S.C. 433(b); 29 CFR part 406.

Since at least 1963, the reporting requirements have required reporting by the prescribed forms Form LM–10, Form LM–20, and Form LM–21. 28 FR 14384, Dec. 27, 1963, *See* 29 CFR part 405, 406.

LMRDA section 203(c) ensures that sections 203(a) and 203(b) are not construed to require reporting ''by reason of [the consultant] giving or agreeing to give advice.'' Section 203(c), referred to as the ''advice'' exemption, provides in pertinent part that ''nothing in this section shall be construed to require any employer or other person to file a report covering the services of such person by reason of his giving or agreeing to give advice to such employer.'' 29 U.S.C. 433(c). Finally, LMRDA section 204 exempts from reporting attorney-client communications, which are defined as ''information which was lawfully communicated to [an] . . . attorney by any of his clients in the course of a legitimate attorney-client relationship.'' 29 U.S.C. 434.

III. Proposal To Rescind

The Department proposes to rescind the March 24, 2016 Rule. 81 FR 15924 (Mar. 25, 2016). This action would not affect the disclosure requirements currently in effect. The U.S. District Court for the Northern District of Texas issued a nationwide permanent injunction against enforcement of the Rule on November 16, 2016, which continued a preliminary injunction that had been entered on June 27, 2016. *National Federation of Independent Business* v. *Perez* (N.D. Tex. 5:16–cv–00066–c). Although the Rule technically went into effect, its implementation was enjoined before its application became mandatory, and no reports were filed or are due under it. The Department has continued to enforce the longstanding and pre-existing interpretation of the advice exemption.

1. Administrative and Regulatory History

In 1960, one year after passage of the Act, the Department issued its initial interpretation (the ''original interpretation'') of Section 203(c)'s ''advice'' exemption. This interpretation was reflected in a technical assistance publication for employers. U.S. Dep't of Labor, Bureau of Labor-Management Reports,[2] *Technical Assistance Aid No. 4: Guide for Employer Reporting* (1960). Under this original interpretation, the Department required employers to report any ''[a]rrangement with a 'labor relations consultant' or other third party to draft speeches or written material to be delivered or disseminated to employees for the purpose of persuading such employees as to their right to organize and bargain collectively.'' *Id.* at 18. By contrast, employers were not required to report ''[a]rrangements with a 'labor relations consultant,' or other third parties related exclusively to advice, representation before a court, administrative agency, or arbitration tribunal, or engaging in collective bargaining on [the employer's] behalf.'' *Id.* Additionally, in opinion letters to members of the public, the Department stated that a lawyer's or consultant's revision of a document prepared by an employer constituted reportable activity. *See* 76 FR 36178, 36180 (June 21, 2011) (NPRM) (*citing* Benjamin Naumoff, Reporting Requirements under the Labor-Management Reporting and Disclosure Act, in Fourteenth Annual Proceedings of the New York University Conference on Labor 129, 140–141 (1961)).

In 1962, the Department adopted a more limited view regarding the scope of disclosure under Section 203, construing the advice exemption of section 203(c) more broadly by excluding from reporting the provision of materials by a third party to an employer that the employer could ''accept or reject.''[3] In later years, the Department reiterated this position—sometimes referred to as the ''accept or reject'' test—though sometimes expressing doubts regarding its soundness. *See* Subcommittee on Labor-Management Relations, H. Comm. On Education and Labor, *The Forgotten Law: Disclosure of Consultant and Employer Activity Under the L.M.R.D.A.* (Comm. Print 1984) (statement of Richard Hunsucker, Director, Office of Labor-Management Standards Enforcement, Labor-Management Standards Administration, U.S. Department of Labor); Subcommittee on

[1] The LMRDA defines a ''labor relations consultant'' as ''any person who, for compensation, advises or represents an employer, employer organization, or labor organization concerning employee organizing, concerted activities, or collective bargaining activities.'' 29 U.S.C. 402(m).

[2] The Bureau of Labor-Management Reports was the predecessor agency to the Office of Labor-Management Standards.

[3] *See* 81 FR at 15936 (quoting the agency's 1962 LMRDA Interpretive Manual as stating: ''In a situation where the employer is free to accept or reject the written material prepared for him and there is no indication that the middleman is operating under a deceptive arrangement with the employer, the fact that the middleman drafts the material in its entirety will not in itself generally be sufficient to require a report.'') (emphasis omitted).

Labor-Management Relations, H. Comm. on Education and Labor, 4 *Pressures in Today's Workplace* 5 (Comm. Print 1980) (statement of William Hobgood, Assistant Secretary of Labor for Labor-Management Relations). In 2001, the Department issued a revised interpretation of Section 203(c), expanding the scope of reportable activities by focusing on whether an activity has persuasion of employees as an object, rather than categorically exempting activities in which a consultant has no direct contact with employees. *See* 66 FR 2782 (Jan. 11, 2001). However, later that year, that interpretation was rescinded, and the Department returned to its prior view. *See* 66 FR 18864 (Apr. 11, 2001).

On June 21, 2011, the Department issued a notice of proposed rulemaking to revise its interpretation of section 203(c). 76 FR 36178. Approximately 9,000 comments were received. 81 FR at 15945. On March 24, 2016, the Department issued its final Rule, addressing the comments it received. *See* 81 FR at 15945–16000.

That Rule—the subject of this proposal—requires employers and their consultants to report not only agreements or arrangements pursuant to which a consultant directly contacts employees, but also where a consultant engages in activities ''behind the scenes,'' where an object is to persuade employees concerning their rights to organize and bargain collectively. *Id.* at 15925.

The Rule construes the ''advice'' exemption more narrowly than the prior interpretation. In broadening the scope of reportable ''persuader'' conduct, the Department abandoned its position that only direct communication between a consultant and employees triggered the reporting requirement, and that any other activity was exempt ''advice.'' The fact that the employer itself delivers the message or carries out the policy developed by a consultant would no longer exempt a consulting arrangement from reporting. The stated purpose of this change was to ''more closely reflect the employer and consultant reporting intended by Congress in enacting the LMRDA.'' 81 FR at 16001. The Rule cited evidence that the use of outside consultants to contest union organizing efforts had proliferated, while the number of reports filed remained consistently small. 81 FR at 16001. The Department concluded that its previous ''broad interpretation of the advice exemption ha[d] contributed to this underreporting.'' *Id.*

Both the preamble to the Rule and the instructions on the relevant forms define ''advice,'' which does not give rise to a reporting obligation, as ''an oral or written recommendation regarding a decision or a course of conduct.'' *Id.* at 15,939, 16,028 (LM–10 instructions), 16,044 (LM–20 instructions). The Rule thus distinguishes between agreements to advise a client on a proposed course of conduct, *e.g.,* warning an employer that a statement in an employer-drafted speech would constitute an unfair labor practice or identifying what other companies have done, which does not give rise to an obligation to report, and agreements to develop or direct that course of conduct via an activity that falls under one of five categories: Direct contact with employees, or four categories of indirect activity (directing supervisor activity, providing material for employers to disseminate to employees, conducting tailored seminars on the issue of unionization, and developing or implementing personnel policies designed to encourage unionization). 81 FR at 15938. This includes providing messaging on unionization, developing policies in order to dissuade employees as to the need for a union (such as a longer lunch break or a more generous leave policy), drafting or revising written materials regarding unionization for dissemination to employees, planning ''captive audience'' meetings, or scripting interactions between supervisors and employees, which do give rise to a reporting obligation.

Reporting under the Rule is to be completed on the Form LM–10, which employers are required to file within 90 days of the end of their fiscal year, and the Form LM–20, which consultants are to file within 30 days of entering into a persuader agreement and the instructions to those forms include the 2016 interpretations. *See* 81 FR at 16022–16051. The LM–10 form is a four-page form; the LM–20 form is two pages. Much of the LM–10 form concerns employer activities not at issue here. The only materials required to be submitted along with either form are written agreements to engage in persuader activities, should they exist. Both forms include check boxes listing common types of reportable persuader activities.

2. Reasons for Rescission of the Rule

The Department proposes to rescind the Rule to provide the Department with an opportunity to give more consideration to several important effects of the Rule on the regulated parties. Rescission would ensure that any future changes to the Department's interpretation would reflect additional consideration of possible alternative interpretations of the statute, and could address the concerns that have been raised by reviewing courts. Rescission is further proposed because the burden of the Form LM–20 may have been substantially increased by the Form LM–21's requirements, and the Department considers it prudent to consider the effects of those requirements together. The Department will also consider the potential effects of the Rule on attorneys and employers seeking legal assistance. Rescission would also permit the Department to consider the impact of shifting priorities and resource constraints.

A. The Department proposes to rescind the Rule to allow the Department to engage in further statutory analysis.

Courts analyzing the statutory reporting requirement, both before and after promulgation of the March 24, 2016 Rule, have expressed uncertainty about the interaction ''between the coverage provisions of the LMRDA, and the Act's exemption for advice.'' *UAW* v. *Dole,* 869 F.2d 616, 618 (D.C. Cir. 1989). Further, while some courts have viewed the statutory exemption in section 203(c) as making ''explicit what was already implicit in § 203(b), to guard against misconstruction of § 203(b),'' *see Wirtz* v. *Fowler,* 372 F.2d 315, 330 (5th Cir. 1966), other courts have taken a different view. *See also Donovan* v. *Rose Law Firm,* 768 F.2d 964, 970 (8th Cir. 1985) (''we note initially that a reading of the language of §§ 203(b) and (c) does not plainly indicate which interpretation here advocated is to be preferred.''). Different courts of appeals have reached different conclusions on this question. Compare *Fowler,* 372 F.2d at 330 (adopting the former approach); *Donovan* v. *Master Printers Ass'n,* 532 F. Supp. 1140, 1145 (1981), adopted by *Master Printers Ass'n* v. *Donovan,* 699 F.2d 370 (same); *Douglas* v. *Wirtz,* 353 F.2d 30, 32 (4th Cir. 1965) (same); *Humphreys, Hutcheson & Moseley* v. *Donovan,* 755 F.2d 1211 (6th Cir. 1985) (same) with *Rose Law Firm,* 768 F.2d at 973 (adopting the latter approach).

Shortly after it was issued, the Rule was challenged in three district courts, and the challengers sought preliminary injunctive relief. *Associated Builders & Contractors of Arkansas* v. *Perez* (E.D. Ark. 4:16–cv–169); *Labnet Inc.* v. *United States Department of Labor* (D. Minn. 0:16–cv–00844); *National Federal of Independent Business* v. *Perez* (N.D. Tex. 5: l 6–cv–00066–c). On June 22, 2016, the Minnesota court denied the challengers' request for preliminary relief, though the court expressed doubt about some potential applications of the rule. 197 F. Supp. 3d 1159 (D. Minn.

2016). On June 27, 2016, the Texas court granted the challengers' [4] motion, adopting their proposed order, and issuing a nationwide injunction against implementation of the Persuader Rule. *NFIB,* Slip Op. p.89–90; 2016 WL 3766121 (hereafter ''NFIB PI Order''). The preliminary injunction was made permanent by order of November 16, 2016. 2016 WL 8193279. The matter before the Arkansas court has been stayed, and the court has not issued any substantive rulings. *See Associated Builders & Contractors* Dkt. No. 80 (Dec. 13, 2016).

The court's decision in *NFIB* was premised in significant part on its conclusion that the ''advice'' exception could be meaningful only if there were some activities that had an object to persuade but were nonetheless exempt as advice. The District of Minnesota court, though rejecting a facial challenge to the rule, also expressed concern that the Rule was problematic in some applications because of ''its insistence that persuader activity and advice are mutually exclusive categories.'' *Labnet, Inc.,* 197 F. Supp. 3d at 1168.

In the preamble to the 2016 Rule, the Department listed activities that it considered not to be reportable. *See* 81 FR 15939. These activities consisted of situations where a consultant: (1) Provides legal advice or other legal services (such as representing an employer in court or during collective bargaining) (*id.* at 15949); (2) offers a persuader-services sales pitch (*id.* at 15978); (3) conducts a vulnerability assessment or a survey (other than a push survey, *i.e.* one designed to influence participants and thus undertaken with an object to persuade) (*id.*); (4) revises materials, if the revisions are to ensure legality, clarity or grammatical correctness, not to increase the persuasiveness (*id.* at 15938); (5) develops or implements personnel policies or actions that improve employee pay, benefits, or working conditions, without any object to persuade employees (*id.* at 15938 n. 26); (6) provides ''off-the-shelf'' materials to the employer (*id.* at 15938); or (7) conducts a seminar without developing or assisting the employer in developing tactics or strategies on the unionization (*id.* at 15938–39).

In setting forth this list, the Rule left unclear whether the activities were exempt as advice, were simply not persuader activities, or both. An activity may fall outside the compass of a statute or it may satisfy an exemption under the statute. Either way, no report is due. But further analysis of the reasons that activities are not reportable would provide further clarity to regulated entities and reviewing courts as they consider other circumstances in which reporting might or might not be required. The Department proposes rescinding the rule so that, if it elects to change the scope of reportable activity beyond what has been in place since 1962, it can provide as thorough an explanation of its statutory interpretation as possible.

B. The Department also proposes to rescind the Rule to allow the Department to consider the interaction between Form LM–20 and Form LM–21.

The obligation to file the Form LM–20 and the Form LM–21 result from the same event: Persuader activity.

Section 203(b) sets forth the statutory basis for the Form LM–21. That section requires every person who engages in persuader activities to file annually a report with the Secretary containing a statement of the person's ''receipts of any kind from employers on account of labor relations advice or services, designating the sources thereof,'' and a statement of its disbursements of any kind, in connection with those services and their purposes. *See also* 29 CFR 406.3 (Form LM–21 requirements). 57 FR 15929. Thus, by statute the requirement to file a Form LM–20 invariably necessitates the obligation to file a Form LM–21, so long as any disbursement is made pursuant to the reportable persuader agreement or arrangement.

Accordingly, an increase in the range and number of activities that constitute ''persuader activity'' will increase both the number of Form LM–20 filers and Form LM–21 filers. Each form imposes a unique recordkeeping and reporting burden on the filer. For example, a law firm that contracts with an employer and engages in persuader activity under the Rule will have to file a Form LM–20 disclosing the arrangement with the employer, among other information. The consultant/law firm would also have to file a Form LM–21 on which it reported receipts from all employers in connection with labor relations advice or services regardless of the purpose of the advice or service. It would also report in the aggregate the total amount of the disbursements made from such receipts, with a breakdown by office and administrative expenses, publicity, fees for professional service, loans, and other disbursement categories. The filer would also itemize each persuader-related disbursement, the recipient of the disbursement, and the purpose of the disbursement. Its disbursements to officers and employees would be disclosed when made in connection with labor relations advice or services.

The 2016 Rule made some labor relations consultants and employers who had previously not been required to file under the LMRDA responsible for filing under the LMRDA—both forms LM–20 *and* LM–21. The Department recognized and considered the effect of the burden arising from the Form LM–20. But it chose to defer consideration of Form LM–21 issues to a separate rulemaking—one that concerned only the Form LM–21.

Deferral of consideration of Form LM–21 issues was motivated, in part, by the Department's intention to engage in parallel rulemaking for reform of the scope and detail of the Form LM–21. 57 FR 15992, fn 88. The Department also issued a separate special enforcement policy that addressed the potential that new filers might have unique difficulties in filing the Form LM–21. *https://www.dol.gov/olms/regs/compliance/ecr/lm21_specialenforce.htm.* Under that special enforcement policy, the filers of Form LM–20 who must also file a Form LM–21 are not required to complete two parts of the LM–21.

As of the date of this NPRM, due to shifting priorities and resource constraints, no proposal has been issued regarding Form LM–21. Although the enforcement policy addressed the immediate effects of the Rule at issue here on Form LM–21 filers, delays in a more plenary consideration of those issues weigh in favor of rescinding the Rule so that the consequences for both forms could be considered together in any future rulemaking, should the Department elect to change the reporting requirement.

C. The Department proposes to rescind the Rule to allow more detailed consideration of attorneys' activities.

Regulated entities have expressed concerns about the interaction between the new categories of ''indirect'' persuasion that were created by the rule and the role of attorneys in advising their clients. The new categories of ''indirect'' persuasion include:

- Drafting, revising, or providing written materials for presentation, dissemination, or distribution to employees;
- Drafting, revising, or providing a speech for presentation to employees;
- Drafting, revising, or providing audiovisual or multi-media presentations for presentation, dissemination, or distribution to employees;

[4] The plaintiffs are a number of national, state, and local trade associations. Subsequently, on March 20, 2016, the states of Texas, Arkansas, Alabama, Indiana, Michigan, Oklahoma, South Carolina, Utah, West Virginia, and Wisconsin intervened.

• Drafting, revising or providing Web site content for employees;

• Training supervisors or employer representatives to conduct individual or group employee meetings;

• Coordinating or directing the activities of supervisors or employer representatives;

• Developing employer personnel policies or practices;

• Conducting a seminar for supervisors or employer representatives; etc.

81 FR 16051. Although the Department gave some general consideration to concerns that the Rule would have a ''chilling effect'' on clients' abilities to obtain representation by attorneys, 81 FR 15999, the Department believes that the implementation of any changed reporting requirement in this area should include a more detailed and specific analysis of how each of these activities would, as a practical and factual matter, affect the behavior of the regulated community, with regard to furnishing and receiving legal services.

D. The Department proposes to rescind the Rule in light of limited resources and competing priorities.

In rejecting a challenge to the Department's prior interpretation—that a consultant incurs a reporting obligation only when it directly communicates with employees with an object to persuade them—the U.S. Court of Appeals for the D.C. Circuit relied expressly on the Department's ''right to shape [its] enforcement policy to the realities of limited resources and competing priorities.'' *International Union, United Auto., Aerospace & Agr. Implement Workers of Am.* v. *Dole,* 869 F.2d 616, 620 (D.C. Cir. 1989). The Department's resource constraints weigh in favor of rescinding the Rule. Under the prior interpretation, there are significantly fewer reports, which reduces the investigative resources devoted to enforcing the rules on filing timely and complete reports. Further, under the prior interpretation, those case investigations generally involve obtaining and reviewing the written agreement and interviewing employees only. In contrast, enforcement of the Rule would likely involve a lengthier and more complicated investigation, examining in more detail the actions of consultants and their interaction with the employers' supervisors and other representatives. The investigator would be required to review both the direct reporting category and the four indirect persuader categories. This is a more resource-intensive process, and the Department wishes to consider whether there are more productive uses for its limited resources.

3. Effect of Rescission

If the Rule is rescinded, as proposed here, the reporting requirements in effect would be the requirements as they existed before the Rule. The Forms and Instructions, available on the Department's Web site, will be those pre-existing the Rule. These are also the Forms and Instructions currently being used by filers, in light of the litigation and court order discussed in section 2(A), above. *See National Federal of Independent Business* v. *Perez* (N.D. Tex. 5:l6–cv–00066–c), Slip Op. p.89–90; 2016 WL 3766121; 2016 WL 8193279.

Executive Order 12866

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a ''significant regulatory action'' although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget (OMB).

The 2016 Final Rule was enjoined before it became applicable, so if the impacts of this NPRM are assessed relative to current practice, the results would be negligible. If, on the other hand, the NPRM's effects are assessed relative to a baseline in which regulated entities comply with the 2016 Final Rule, the rescission would result in annual cost savings of $1,198,714.50.

Specifically, in the most recent Information Collection Request (ICR) for the pre-2016 Form LM–20, the Department estimated 387 Form LM–20 reports would be filed annually. 81 FR 15929, 16009. This estimate was raised to 4,194 reports for the 2016 Rule, with a total annual cost of $633,932.16. 81 FR 16015 (Table 5). The Department returns to the 387 figure, which is $13,130 in total annual costs, as estimated in the accompanying ICR submission to OIRA. The total annual cost savings relating the rescission of the Form LM–20 is therefore $620,802.16 ($633,932.16 − $13,130 = $620,802.16).

In the most recent ICR for the pre-2016 Form LM–10, the Department estimated 957 Form LM–10 reports would be filed annually. 81 FR 15929. This estimate was raised to 2,777 reports for the 2016 Rule, with a total annual cost of $629,567.34. 81 FR 16015 (Table 5). The Department returns to the 957 figure, which is $51,655 as estimated in the accompanying ICR submission to OIRA. The total annual cost savings relating the rescission of the Form LM–10 is $577,912.34 ($629,567.34 − $51,655 = $577,912.34)

Thus, the total savings from rescission of Form LM–10 and Form LM–20 is $1,198,714.50 ($620,802.16 + $577,912.34 = $1,198,714.50). Additionally, the Department returns to its previous estimate of 22 minutes of reporting and recordkeeping burden per Form LM–20 form, as opposed to the 98 minutes in the 2016 Rule. See 81 FR 15929, 16014, and 16015, Table 5. The Department returns to its previous estimate of 35 minutes for reporting and recordkeeping burden per Form LM–10 form, as opposed to the 147 minutes in the 2016 Rule. See 81 FR 15929 and 16015, Table 5. Finally, the Department downward adjusts the number of Form LM–21 reports from 258, as estimated under the 2016 Rule, to the pre-2016 level of 72. We note that the analysis of the 2016 final rule, which is the source of these estimates, did not include an overhead labor cost. There are several approaches to look at the cost elements that fit the definition of overhead and there are a range of overhead estimates—from 17 percent by the Environmental Protection Agency to an average of 77 percent by government contractors.

The 2016 Rule described qualitative benefits arising from the rule, stating that it ''promotes the important interests of the Government and the public by ensuring that employees will be better informed and thus better able to exercise their rights.'' 57 FR 15929. These benefits were not quantified. As described above, the Department proposes to rescind the Rule to provide the Department with an opportunity to give more consideration to several important effects of modifying the scope of reporting on regulated parties. This consideration will include both benefits and burdens.

Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs

Consistent with Executive Order 13771 (82 FR 9339, February 3, 2017), and as explained above in the Executive Order 12866 section, we have estimated the costs for this proposed rule to result

in an annual savings of $1,198,714.50 In the most recent Information Collection Request (ICR) for the pre-2016 Form LM–20, the Department estimated 387 Form LM–20 reports would be filed annually. This estimate was raised to 4,194 reports for the 2016 Rule. The Department returns to the 387 figure. Additionally, the Department returns to its previous estimate of 22 minutes of reporting and recordkeeping burden per Form LM–20 form, as opposed to the 98 minutes in the 2016 rule. See 81 FR 15929, 16014, and 16015, Table 5.

In its most recent ICR for the pre-2016 Form LM–10, the Department estimated 957 Form LM–10 reports. Thus, the Department adjusts to 957 the Form LM–10 estimate of 2,777 reports set forth in the 2016 Rule. Additionally, the Department returns to its previous estimate of 35 minutes for reporting and recordkeeping burden per Form LM–10 form, as opposed to the 147 minutes in the 2016 Rule. See 81 FR 15929 and 16015, Table 5. Finally, the Department downward adjusts the number of Form LM–21 reports from 258, as estimated under the 2016 Rule, to the pre-2016 level of 72. Therefore, this action is expected to be an Executive Order 13771 deregulatory action.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.,* requires agencies to prepare regulatory flexibility analyses, and to develop alternatives wherever possible, in drafting regulations that will have a significant impact on a substantial number of small entities. The Department does not believe that this proposed rule will have a significant economic impact on a substantial number of small entities, as the rule contains no collection of information and relieves the additional burden imposed upon employers and labor relations consultants through the rescission of the regulations published on Mar. 24, 2016. *See* 81 FR 15924. Therefore, a regulatory flexibility analysis under the Regulatory Flexibility Act is not required. The Secretary has certified this conclusion to the Chief Counsel for Advocacy of the Small Business Administration.

Unfunded Mandates Reform

This proposed rule will not include any Federal mandate that may result in increased expenditures by State, local, and tribal governments, in the aggregate, of $100 million or more, or in increased expenditures by the private sector of $100 million or more.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.,* provides that no person is required to respond to a collection of information unless it displays a valid OMB control number. In order to obtain PRA approval, a Federal agency must engage in a number of steps, including estimating the burden the collection places on the public and seeking public input on the proposed information collection.

This proposed rule contains no new information collection requirements for purposes of the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*). The Department notes that, consistent with the previously mentioned injunction, the agency already amended the information collection approval for Forms LM–10 and LM–20 and their instructions to reapply the pre-2016 versions. When issuing its approval, the OMB issued clearance terms providing the previously approved versions of these forms will remain effect until further notice. See ICR Reference Number 201604–1245–001.

As the proposed rule still contains an information collection, the Department is submitting, contemporaneous with the publication of this notice, an information collection request (ICR) to revise the PRA clearance to address the clearance term. A copy of this ICR, with applicable supporting documentation, including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201705-1245-001* (this link will only become active on the day following publication of this notice) or from the Department by contacting Andrew Davis on 202-693-0123 (this is not a toll-free number)/ email: *OLMS-Public@dol.gov.*

In addition to submitting comments on the information collections contained in this proposed rule or otherwise covered by the ICR directly to the Department, as discussed in the addresses portion of this preamble, written views about the request may also be submitted directly by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OLMS, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Please note that comments submitted in response to this notice will be made a matter of public record and may be posted into the docket without redaction. The Department strongly encourages commenters not to include sensitive information such social security numbers or confidential business information in any comment.

The Department and OMB are particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submission of responses.

Type of Review: Revision of a currently approved collection.

Agency: Office of Labor-Management Standards.

Title: Labor Organization and Auxiliary Reports.

OMB Number: 1245–0003.

Affected Public: Private Sector—businesses or other for-profits and not-for-profit institutions.

Number of Annual Responses: 31,501

Frequency of Response: Varies.

Estimated Total Annual Burden Hours: 4,580,114.45.

Estimated Total Annual Other Burden Cost: $0.

Small Business Regulatory Enforcement Fairness Act of 1996

This proposed rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based companies to compete with foreign-based companies in domestic and export markets.

List of Subjects in 29 CFR Parts 405 and 406

Employers and labor relations consultants, Reporting and recordkeeping requirements.

Accordingly, for the reasons stated herein, the Secretary proposes to amend parts 405 and 406 of title 29, chapter IV of the Code of Federal Regulations to read as the text at 29 CFR parts 405 and 406 (2015).

Signed in Washington, DC, this 5th day of June, 2017.

Andrew Auerbach,

Deputy Director, Office of Labor-Management Standards.

[FR Doc. 2017–11983 Filed 6–8–17; 4:15 pm]

BILLING CODE 4510–CP–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2015–0621; FRL–9962–55–Region 9]

Conditional Approval of Revision to the California State Implementation Plan; Imperial County Air Pollution Control District; Stationary Sources Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing action on a revision to the Imperial County Air Pollution Control District (ICAPCD or District) portion of the California State Implementation Plan (SIP). We are proposing a conditional approval of one rule. This rule updates and revises the District's New Source Review (NSR) permitting program for new and modified sources of air pollution. We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by July 12, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2015–0621 at *http://www.regulations.gov,* or via email to *R9AirPermits@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Khoi Nguyen, EPA Region IX, (415) 947–4120, *nguyen.thien@epa.gov.*

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

Table of Contents

Definitions
I. The State's Submittal
A. What rule did the State submit?
B. Are there other versions of this rule?
C. What is the purpose of the submitted rule revision?
II. The EPA's Evaluation and Action
A. How is the EPA evaluating the rule?
B. Does the rule meet the evaluation criteria?
C. Public Comment and Final Action
III. Incorporation by Reference
IV. Statutory and Executive Order Reviews

Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The word or initials *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The initials *CARB* mean or refer to the California Air Resources Board.

(iii) The initials *CFR* mean or refer to Code of Federal Regulations.

(iv) The initials or words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

(v) The word or initials *ICAPCD* or *District* mean or refer to the Imperial County Air Pollution Control District, the agency with jurisdiction over stationary sources within Imperial County.

(vi) The initials *NSR* mean or refer to New Source Review.

(vii) The initials *SIP* mean or refer to State Implementation Plan.

I. The State's Submittal

A. What rule did the State submit?

Table 1 lists the rule addressed by this action with the date that it was adopted by ICAPCD and submitted by the California Air Resources Board (CARB), which is the governor's designee for California SIP submittals.

TABLE 1—SUBMITTED RULE

Local agency	Rule No.	Rule title	Adopted/revised	Submitted
ICAPCD	207	New and Modified Stationary Source Review	10/22/13	1/21/14

On March 7, 2014, EPA determined that the submittal for ICAPCD Rule 207 (New and Modified Stationary Source Review) met the completeness criteria in 40 CFR part 51 Appendix V. On December 19, 2016, the EPA proposed a limited approval and limited disapproval (LA/LD) of Rule 207 along with a full approval of two rules—Rule 204 (Applications) and Rule 206 (Processing of Applications). 81 FR 91895. In a separate rulemaking action, we are finalizing our approval of Rules 204 and 206. We are not finalizing our proposed LA/LD of Rule 207; instead, we are proceeding with this proposed action to conditionally approve Rule 207 into the SIP.

B. Are there other versions of this rule?

EPA approved a previous version of Rule 207 into the SIP on November 10, 1980 (45 FR 74480). In addition, SIP-approved Rule 209 (Implementation Plans) and submitted Rule 207, section D.1.a, contain substantially similar language. *See* 45 FR 74480 (November 10, 1980).[1]

[1] Approval of submitted Rule 207 would supersede our prior actions for SIP-approved Rules 207 and 209. We intend to make conforming changes to the regulatory text codified in 40 CFR 52.220, 40 CFR 52.232 and 40 CFR 52.233.

C. What is the purpose of the submitted rule revision?

Section 110(a) of the Clean Air Act (CAA) requires states to submit regulations that include a pre-construction permit program for certain new or modified stationary sources of pollutants, including a permit program as required by Part D of Title I of the CAA.

The purpose of District Rule 207 (New and Modified Stationary Source Review) is to implement a federal preconstruction permit program for new and modified minor sources of regulated NSR pollutants, and new and modified major sources of regulated NSR pollutants for which the area is designated nonattainment. Imperial County is currently designated as a Moderate nonattainment area for the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS).[2] Portions of the county are designated as a Serious nonattainment area for the 1987 24-hour PM_{10} NAAQS, and as a Moderate nonattainment area for the 2006 24-hour $PM_{2.5}$ and 2012 annual $PM_{2.5}$ NAAQS. We present our evaluation under the CAA and EPA's regulations of the revised NSR rule submitted by CARB, as identified in Table 1, and provide our reasoning in general terms below and a more detailed analysis in our Technical Support Document (TSD), which is available in the docket for the proposed rulemaking.

II. The EPA's Evaluation and Action

A. How is the EPA evaluating the rule?

The submitted rule must meet the CAA's general requirements for SIPs and SIP revisions in CAA sections 110(a)(2), 110(l), and 193, as well as the applicable requirements contained in part D of title I of the Act (sections 172 and 173) for a nonattainment NSR permit program. In addition, the submitted rule must contain the applicable regulatory provisions of 40 CFR 51.160–51.165 and 40 CFR 51.307.

Among other things, section 110 of the Act requires that SIP rules be enforceable and provides that EPA may not approve a SIP revision if it would interfere with any applicable requirements concerning attainment and reasonable further progress or any other requirement of the CAA. In addition, section 110(a)(2) and section 110(l) of the Act require that each SIP or revision to a SIP submitted by a state must be adopted after reasonable notice and public hearing.

Section 110(a)(2)(c) of the Act requires each SIP to include a permit program to regulate the modification and construction of any stationary source within the areas covered by the SIP as necessary to assure attainment and maintenance of the NAAQS. EPA's regulations at 40 CFR 51.160–51.164 provide general programmatic requirements to implement this statutory mandate commonly referred to as the ''minor NSR'' or ''general NSR'' permit program. These NSR program regulations impose requirements for SIP approval of state and local programs that are more general in nature as compared to the specific statutory and regulatory requirements for nonattainment NSR permitting programs under Part D of title I of the Act.

Part D of title I of the Act contains the general requirements for areas designated nonattainment for a NAAQS (section 172), including preconstruction permit requirements for new major sources and major modifications proposing to construct in nonattainment areas (section 173).

Additionally, 40 CFR 51.165 sets forth EPA's regulatory requirements for SIP-approval of a nonattainment NSR permit program.

The protection of visibility requirements that apply to New Source Review programs are contained in 40 CFR 51.307. This provision requires that certain actions be taken in consultation with the local Federal Land Manager if a new major source or major modification may have an impact on visibility in any mandatory Class I Federal Area.

Section 110(l) of the Act prohibits EPA from approving any SIP revisions that would interfere with any applicable requirement concerning attainment and reasonable further progress (RFP) or any other applicable requirement of the CAA. Section 193 of the Act, which only applies in nonattainment areas, prohibits the modification of a SIP-approved control requirement in effect before November 15, 1990, in any manner unless the modification insures equivalent or greater emission reductions of such air pollutant.

Our TSD, which can be found in the docket for this rule, contains a more detailed discussion of the approval criteria.

B. Does the rule meet the evaluation criteria?

Rule 207 satisfies the statutory and regulatory requirements for a general NSR permit program as set forth in CAA section 110(a)(2)(c) and 40 CFR 51.160–51.164, and the statutory and regulatory requirements for a nonattainment NSR permit program for moderate ozone and serious PM_{10}, nonattainment areas as set forth in the applicable provisions of part D of title I of the Act (sections 172 and 173), in 40 CFR 51.165 and 40 CFR 51.307. For a Moderate $PM_{2.5}$ nonattainment area Rule 207 mostly satisfies these same requirements; however, we have determined that it does not satisfy the requirements of 40 CFR 51.165(a)(13), which requires ammonia to be regulated as a $PM_{2.5}$ precursor. Our TSD contains a more detailed discussion of this issue.[3]

C. Public Comment and Final Action.

Section 110(k)(4) authorizes the EPA to conditionally approve a plan revision based on a commitment by the state to adopt specific enforceable measures by a date certain but not later than one year after the effective date of the plan approval. In this instance, the enforceable measure that the State must submit are revisions to regulate ammonia as a $PM_{2.5}$ precursor. The District submitted a letter committing to submit a SIP revision that regulates ammonia as a $PM_{2.5}$ precursor no later than one year from the effective of this final action. If the District fails to comply with this commitment, this conditional approval will convert to a disapproval and start an 18-month clock for sanctions under CAA section 179(a)(2) and a two-year clock for a federal implementation plan (FIP) under CAA section 110(c)(1).

We will accept comments from the public on the proposed conditional approval of Rule 207 for the next 30 days.

III. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the ICAPCD rule listed in Table 1 of this notice. The EPA has made, and will continue to make, these documents available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be

[2] EPA initially classified Imperial County as Marginal for the 2008 ozone NAAQS, but reclassified the area to Moderate because it failed to attain the standard by the applicable Marginal attainment date of July 20, 2015. 81 FR 26697 (May 4, 2016).

[3] *See also,* 81 FR 91895 (December 19, 2016).

found at *http://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

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

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

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by state law.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, will result from this action.

E. Executive Order 13132: Federalism

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

F. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175, because the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and will not impose substantial direct costs on tribal governments or preempt tribal law. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not impose additional requirements beyond those imposed by state law.

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

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

I. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

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

The EPA lacks the discretionary authority to address environmental justice in this rulemaking.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, New Source Review, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: May 19, 2017.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 2017–12134 Filed 6–9–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Chapter IV

Office of the Secretary

45 CFR Subtitle A

[CMS–9928–NC]

RIN 0938–ZB39

Reducing Regulatory Burdens Imposed by the Patient Protection and Affordable Care Act & Improving Healthcare Choices To Empower Patients

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

ACTION: Request for information.

SUMMARY: The Department of Health and Human Services (HHS) is actively working to reduce regulatory burdens and improve health insurance options under Title I of the Patient Protection and Affordable Care Act. Executive Order 13765, ''Minimizing the Economic Burden of the Patient Protection and Affordable Care Act Pending Repeal,'' directs the Secretary of Health and Human Services to achieve these aims. HHS seeks comment from interested parties to inform its ongoing efforts to create a more patient-centered health care system that adheres to the key principles of affordability, accessibility, quality, innovation, and empowerment.

DATES: Comments must be submitted on or before July 12, 2017.

ADDRESSES: You may submit comments in one of three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments to *http://www.regulations.gov.* Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–9928–NC, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–9928–NC,

Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

FOR FURTHER INFORMATION CONTACT: Vanessa Jones, (202) 690–7000.

SUPPLEMENTARY INFORMATION:

Submission of Comments: All submissions received must include the Agency name CMS–9928–NC for this notice. All comments received may be posted without change to *http://www.regulations.gov,* including any personal information provided.

I. Background

On January 20, 2017, President Trump issued Executive Order 13765, ''Minimizing the Economic Burden of the Patient Protection and Affordable Care Act Pending Repeal,'' to minimize the unwarranted economic and regulatory burdens of the Patient Protection and Affordable Care Act (PPACA) (Pub. L. 111–148). To meet these objectives, the President directed the Secretary of Health and Human Services (the Secretary) and the heads of all other executive departments and agencies with authorities and responsibilities under the PPACA, to the maximum extent permitted by law, to afford the States more flexibility and control to create a more free and open health care market; provide relief from any provision or requirement of the PPACA that would impose a fiscal burden on any State or a cost, fee, tax, penalty, or regulatory burden on individuals, families, health care providers, health insurers, patients, recipients of health care services, purchasers of health insurance, or makers of medical devices, products, or medications; provide greater flexibility to States and cooperate with them in implementing health care programs; and encourage the development of a free and open market in interstate commerce for the offering of health care services and health insurance, with the goal of achieving and preserving maximum options for patients and consumers.

The Department of Health and Human Services (HHS) is the federal government's principal agency charged with protecting the health of all Americans and providing essential human services. HHS's responsibilities include Medicare, Medicaid, increasing access to care and private health coverage, support for public health preparedness and emergency response, biomedical research, substance abuse and mental health treatment and prevention, assurance of safe and effective drugs and other medical products, protection of our Nation's food supply, assistance to low income families, the Head Start program, services to older Americans, and direct health services delivery. HHS is comprised of staff divisions and operating divisions, many of which are responsible for promulgating regulations pursuant to HHS's statutory authority.

Among HHS's goals is to establish a robust and resilient framework for each HHS division to undertake a periodic, thoughtful analysis of its significant existing regulations issued under Title I of the PPACA, to determine whether each rule advances or impedes HHS priorities of stabilizing the individual and small group health insurance markets; empowering patients and promoting consumer choice; enhancing affordability; and returning regulatory authority to the States. We seek public input on changes that could be made, consistent with current law, to existing regulations under HHS's jurisdiction that would result in a more streamlined, flexible, and less burdensome regulatory structure, including identifying regulations that eliminate jobs or inhibit job creation; are outdated, unnecessary, or ineffective; impose costs that exceed benefits; or create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies.

Since the first weeks of the Administration, HHS has worked to reduce burdens and improve health insurance options under the provisions of Title I of the PPACA for which HHS has jurisdiction. On February 17, 2017, HHS published a proposed rule in the **Federal Register** entitled, ''Patient Protection and Affordable Care Act; Market Stabilization,'' (82 FR 10980) containing regulatory changes that are critical to stabilizing the individual and small group health insurance markets. After receiving and considering public comment, HHS published the Patient Protection and Affordable Care Act; Market Stabilization Final rule on April 18, 2017 (82 FR 18346). The new rules will place downward pressure on premiums, curb abuses, and encourage full-year enrollment by expanding pre-enrollment verification of eligibility for new exchange enrollees using special enrollment periods; encourage patients to avoid coverage lapses; provide greater flexibility to issuers related to actuarial value of plans; return to the States the authority and means to assess issuer network adequacy; revise the timeline for qualified health plan (QHP) certification and rate review to give issuers flexibility to incorporate benefit changes and maximize the number of coverage options available to patients; and more closely align the open enrollment period for the individual market with the employer-sponsored insurance market and Medicare, thus helping to lower prices for Americans by reducing adverse selection. We have also taken a number of other steps to reduce burden, improve choices, and stabilize the insurance market:

- Issued guidance announcing HHS's intent to propose new health coverage enrollment options for small businesses enrolling through the Federally-facilitated Small Business Health Options Program (FF–SHOP), reducing burdens and making it easier for small employers and their employees to purchase coverage.
- Announced a new streamlined and simplified direct enrollment process for consumers signing up for individual market coverage with the assistance of web-brokers or issuers in states with Exchanges that rely on HealthCare.gov for their eligibility and enrollment functions.
- Issued guidance to States explaining their freedom to seek innovative approaches to lowering premiums and protecting consumers via State innovation waivers under section 1332 of the PPACA, which included new information to help states seek waivers from requirements in Title I of the PPACA, and establish high-risk pools/state-operated reinsurance programs.
- Extended the HHS Risk Adjustment and Data Validation (HHS–RADV) pilot by another year, providing needed flexibility for issuers to adapt to the new HHS–RADV audit tool and protocols to ensure that lessons learned from the first pilot year are implemented effectively, and enabling the Centers for Medicaid & Medicare Services (CMS) to ensure that issuers are compliant with all HHS–RADV requirements, increasing the stability of the markets and the integrity of risk adjustment transfers.
- Adjusted the QHP certification calendar, to provide issuers additional time to prepare and States additional time to review 2018 products and rates with greater certainty in response to recent policy changes.
- Issued guidance to issuers allowing patients to keep their transitional individual and small group insurance plans in 2018.

These initial steps will help issuers and States work with HHS to achieve shared goals, including stabilizing the individual and small group health insurance markets; empowering patients and promoting consumer choice; enhancing affordability; and affirming the traditional authority of the States in regulating the business of health insurance. In this Request for Information, HHS now seeks input from the public on other changes within its

authority and consistent with the law to further achieve these aims.

II. Solicitation of Comments

HHS is interested in soliciting public comments about changes to existing regulations or guidance, or other actions within HHS's authority, that could further the following goals with respect to the individual and small group health insurance markets:

1. *Empowering patients and promoting consumer choice.* What activities would best inform consumers and help them choose a plan that best meets their needs? Which regulations currently reduce consumer choices of how to finance their health care and health insurance needs? Choice includes the freedom to choose how to finance one's healthcare, which insurer to use, and which provider to use.

2. *Stabilizing the individual, small group, and non-traditional health insurance markets.* What changes would bring stability to the risk pool, promote continuous coverage, increase the number of younger and healthier consumers purchasing plans, reduce uncertainty and volatility, and encourage uninsured individuals to buy coverage?

3. *Enhancing affordability.* What steps can HHS take to enhance the affordability of coverage for individual consumers and small businesses?

4. *Affirming the traditional regulatory authority of the States in regulating the business of health insurance.* Which HHS regulations or policies have impeded or unnecessarily interfered with States' primary role in regulating the health insurance markets they know best?

This is a request for information only. Respondents are encouraged to provide complete but concise responses to the questions outlined above. We note that a response to every question is not required. This request for information is issued solely for information and planning purposes; it does not constitute a notice of proposed rulemaking or request for proposals, applications, proposal abstracts, or quotations. This request for information does not commit the United States Government (''Government'') to contract for any supplies or services or make a grant award. Further, HHS is not seeking proposals through this request for information and will not accept unsolicited proposals. Respondents are advised that the Government will not pay for any information or administrative costs incurred in response to this request for information; all costs associated with responding to this request for information will be solely at the interested party's expense. Not responding to this request for information does not preclude participation in any future rulemaking or procurement, if conducted. It is the responsibility of the potential responders to monitor this request for information announcement for additional information pertaining to this request. We also note that HHS will not respond to questions about the policy issues raised in this request for information. HHS may or may not choose to contact individual responders. Such communications would only serve to further clarify written responses. Contractor support personnel may be used to review request for information responses. Responses to this notice are not offers and cannot be accepted by the Government to form a binding contract or issue a grant. Information obtained as a result of this request for information may be used by the Government for program planning on a non-attribution basis. Respondents should not include any information that might be considered proprietary or confidential. This request for information should not be construed as a commitment or authorization to incur cost for which reimbursement would be required or sought. All submissions become Government property and will not be returned. HHS may publically post the comments received, or a summary thereof. While responses to this request for information do not bind HHS to any further actions related to the response, all submissions will be made publicly available on *http://www.regulations.gov.*

III. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. This request for information constitutes a general solicitation of comments. In accordance with the implementing regulations of the Paperwork Reduction Act (PRA) at 5 CFR 1320.3(h)(4), information subject to the PRA does not generally include ''facts or opinions submitted in response to general solicitations of comments from the public, published in the **Federal Register** or other publications, regardless of the form or format thereof, provided that no person is required to supply specific information pertaining to the commenter, other than that necessary for self-identification, as a condition of the agency's full consideration of the comment.'' Consequently, this document need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: June 6, 2017.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

Dated: June 7, 2017.

Thomas E. Price,

Secretary, Department of Health and Human Services.

[FR Doc. 2017–12130 Filed 6–8–17; 4:15 pm]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 11–54; RM–11624; DA 17–510]

Television Broadcasting Services; Augusta, Georgia

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Commission has before it a petition for rulemaking filed by Southern Media Holdings, Inc. (SMH), the former licensee of WFXG, Augusta, Georgia, requesting the substitution of channel 51 for channel 31 at Augusta. WFXG License Subsidiary, LLC (Licensee) is now the licensee of WFXG. Station WFXG was allotted channel 51 as its post-transition DTV channel and operated a licensed facility on that channel. In 2008, SMH filed a petition for rulemaking requesting that channel 31 be substituted for channel 51, and the Commission granted that request. SMH subsequently requested that the Commission change its channel back to channel 51 and we issued a Notice of Proposed Rulemaking, which was contested. On April 28, 2017, Licensee filed a letter withdrawing its pending request to substitute channel 51 for channel 31, explaining that it had licensed the channel 31 facility and that WFXG was reassigned to channel 36 in connection with the post-incentive auction repacking of the broadcast television spectrum.

DATES: The proposed rule published on April 4, 2011 (76 FR 18497) is withdrawn as of June 12, 2017.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, *Joyce.Bernstein@fcc.gov*, Media Bureau, (202) 418–1647.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Order,* MB Docket No. 11–54, adopted May 25, 20017, and released May 25, 2017. The full text of this document is available for

public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street SW., Washington, DC, 20554. This document will also be available via ECFS (*http://fjallfoss.fcc.gov/ecfs/*). To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, *see* 5 U.S.C. 601–612, do not apply to this proceeding.

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 2017–11947 Filed 6–9–17; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 383

[Docket No. FMCSA–2016–0346]

RIN 2126–AB98

Commercial Learner's Permit Validity

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

ACTION: Notice of Proposed Rulemaking (NPRM), request for comments.

SUMMARY: FMCSA proposes to amend the Federal Motor Carrier Safety Regulations (FMCSRs) to allow States to issue a commercial learner's permit (CLP) with an expiration date of up to one year from the date of initial issuance. CLPs issued for shorter periods may be renewed but the total period of time between the date of initial issuance and the expiration of the renewed CLP could not exceed one year. This proposed amendment would replace the current regulations, which require the States to issue CLPs initially for no more than 180 days, with the possibility of an additional 180-day renewal at the State's discretion.

DATES: Comments on this notice must be received on or before August 11, 2017.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2016–0346 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments, including collection of information comments for the Office of Information and Regulatory Affairs, OMB.

FOR FURTHER INFORMATION CONTACT: Mr. Selden Fritschner, CDL Division, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, by email at *selden.fritschner@dot.gov,* or by telephone at 202–366–0677.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

A. Submitting Comments

If you submit a comment, please include the docket number for this NPRM (Docket No. FMCSA–2016–0346), indicate the specific section of this document to which each section applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–2016–0346, in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is customarily not made available to the general public by the submitter. Under the Freedom of Information Act, CBI is eligible for protection from public disclosure. If you have CBI that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Accordingly, please mark each page of your submission as ''confidential'' or ''CBI.'' Submissions designated as CBI and meeting the definition noted above will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Analysis Division, 1200 New Jersey Avenue SE., Washington, DC 20590. Any commentary that FMCSA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2016–0346, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the

Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

C. 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.*

D. Waiver of Advance Notice of Proposed Rulemaking

Under the Fixing America's Surface Transportation Act (FAST Act) (Pub. L. 114–94), FMCSA is required to publish an advance notice of proposed rulemaking (ANPRM) or conduct a negotiated rulemaking ''if a proposed rule is likely to lead to the promulgation of a major rule'' (49 U.S.C. 31136(g)(1)). As this proposed rule is not likely to result in the promulgation of a major rule, the Agency is not required to issue an ANPRM or to proceed with a negotiated rulemaking.

E. Comments on the Collection of Information

If you have comments on the collection of information discussed in this NPRM, you must send those comments to the Office of Information and Regulatory Affairs at OMB. To ensure that your comments are received on time, the preferred methods of submission are by email to *oira_submissions@omb.eop.gov* (include docket number ''FMCSA–2016–0346'' and ''Attention: Desk Officer for FMCSA, DOT'' in the subject line of the email) or fax at 202–395–6566. An alternative, though slower, method is by U.S. Mail to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, FMCSA, DOT.

II. Executive Summary

Purpose and Summary of the Major Provisions

This NPRM would allow States to issue a CLP for no more than one year from the date of initial issuance, with or without renewal within that one-year period. After one year from the date of initial issuance, a CLP, or renewed CLP, would no longer be valid. Accordingly, if the applicant does not obtain a CDL within one year from the date the CLP was first issued, he/she must reapply for a CLP. This approach would replace the current requirements of §§ 383.25(c) and 383.73(a)(2)(iii), under which a CLP is valid for no more than 180 days from the date of issuance, with an option for the State to renew the CLP for an additional 180 days without requiring the general and endorsement knowledge tests, as applicable. The proposed change provides an improved process for CLP issuance that FMCSA believes will save time and money for both States and CLP applicants, as discussed below, without affecting safety.

Benefits and Costs

The primary entities affected by this proposed rule would be State Driver Licensing Agencies (SDLAs) and CLP holders. FMCSA is unable to estimate the number of SDLAs that may choose to issue a CLP that is valid for up to one year or the number of CLP holders that would be affected. Nonetheless, potential benefits of this proposed rule would include reduced costs to CLP holders, including reductions in the opportunity cost of time that, in the absence of this proposed rule, would be spent by CLP holders traveling to and from an SDLA office and at an SDLA office, renewing a CLP that is valid for no more than 180 days. SDLAs that choose under this proposed rule to issue a CLP that is valid for up to one year may benefit from the elimination of costs associated with processing renewals of CLPs. FMCSA does not expect there would be any costs imposed upon CLP holders as a result of this rule. Under this proposed rule SDLAs that choose to offer a CLP that is valid for up to one year may incur costs related to information technology (IT) system upgrades that may be necessary.

Although potential reductions in CLP renewal fees collected by SDLAs may appear to be a cost of this proposed rule to SDLAs, and the commensurate potential savings to CLP holders of CLP renewal fees may appear to be a benefit to CLP holders, any such changes in renewal fee amounts are best classified as transfer payments and not as a cost to SDLAs (in the form of forgone fee revenue) or as a benefit to CLP holders (in the form of CLP renewal fees no longer expended). If an SDLA were to increase its fee for the issuance of a CLP in order to offset any reduction in revenue resulting from the elimination of CLP renewals and associated fees, a transfer would occur from those CLP holders who, in the absence of the rule, would not have renewed their CLP to CLP holders who would have renewed their CLP.

III. Legal Basis for the Rulemaking

This rulemaking is based on the broad authority of the Commercial Motor Vehicle Safety Act of 1986 (CMVSA), as amended, codified at 49 U.S.C. chapter 313 and implemented by 49 CFR parts 383 and 384. The CMVSA provides that ''[a]fter consultation with the States, the Secretary of Transportation shall prescribe regulations on minimum uniform standards for the issuance of commercial drivers' licenses and learner's permits by the States . . .'' (49 U.S.C. 31308).

IV. Background

On September 1, 2015, the Oregon Department of Transportation (ODOT) requested an exemption from § 383.25(c) to allow a CLP to be issued for one year. Currently the regulation provides that the CLP must be valid for no more than 180 days from the date of issuance. However, under §§ 383.25(c) and 383.73(a)(2)(iii), the State may renew the CLP for an additional 180 days without requiring the CLP holder to retake the general and endorsement knowledge tests. In its request for the exemption, ODOT stated that ''[a]dding the bureaucratic requirement for a CLP holder to visit a DMV office and pay a fee in order to get a second six months of CLP validity will add unnecessary workload to offices already stretched to the limit.''

On November 27, 2015, FMCSA published notice of ODOT's application for exemption and requested public comments (80 FR 74199). The Agency received 10 comments in response to the proposed exemption. The Alabama Law Enforcement Agency; Colorado Department of Revenue CDL Unit; New York Department of Motor Vehicles; Oregon Trucking Associations, Inc.; and two individuals supported the exemption. The Commercial Vehicle Training Association (CVTA) and three individuals opposed the exemption.

In a notice published on April 5, 2016 (81 FR 19703), FMCSA stated that the exemption requested by the ODOT would maintain a level of safety equivalent to or greater than the level of safety that would be achieved without the exemption, as required by 49 CFR 381.305(a). The Agency therefore approved ODOT's application for exemption and allowed all SDLAs nationwide to use the exemption at their discretion. However, the exemption did not change the language of § 383.25(c) and the exemption remains effective for 2 years from the date of approval, expiring on April 5, 2018. Subsequent to

FMCSA's approval of ODOT's application, the Agency amended its Notice of Final Disposition to also include exemption from the parallel requirements of § 373.73(a)(2)(iii) (81 FR 86067 (November 29, 2016)).

V. Discussion of Proposed Rulemaking

Requiring States To Issue a CLP for No More Than One Year, With or Without Renewal

This proposed rule would amend §§ 383.25 (c) and 383.73(a)(2)(iii) to allow States to issue a CLP for no more than one year, without requiring the CLP holder to retake the general and endorsement knowledge tests. The Agency proposes a maximum period of CLP validity of one year, rather than the 360-day maximum currently permitted under §§ 383.25(c) and 383.73(a)(2)(iii). The principal reason for this proposed change, as noted above and discussed further below, is to increase efficiency in the licensing system and to reduce costs to drivers and administrative burdens to SDLAs. FMCSA is also proposing the rule, however, in order to account for the fact that, in practice, some States allow a ''grace period'' between the initial CLP issuance period of 180 days and the 180-day renewal period currently allowed, thus resulting in a total period of time which may exceed 360 days from the time of initial issuance of the CLP. States that choose to issue a CLP for an initial period of less than one year may provide for renewal, as long as the renewed CLP is not valid for more than one year from the date of initial issuance of the original CLP. For example, under the proposed change, a State could issue a CLP that is valid for nine months. If that State chose to allow the CLP holder to renew the CLP, the renewal could not be valid for longer than three months, up to a total period of one year from the date of initial issuance.

The Agency invites States and other interested parties to identify potential costs (*e.g.,* necessary changes in CLP-related IT systems), savings and process efficiencies that may result from the proposed change, along with any supporting data.

VI. Section-By-Section Analysis

FMCSA proposes to amend part 383 in the following ways:

Section 383.25 Commercial Learner's Permit (CLP)

In § 383.25(c) FMCSA makes minor changes to the text and replaces ''180 days'' with ''one year'' to reflect the proposed extended period of time that a CLP can be valid before a CLP holder would have to re-test. FMCSA also provides for renewal of CLPs that have been issued for a period of less than a year.

Section 383.73 State Procedures

In § 383.73(a)(2)(iii) FMCSA makes minor changes to the text and replaces ''180 days'' with ''one year'' to clarify in the instructions to States the proposed extended period of time that a CLP can be valid before a CLP holder would have to re-test. FMCSA also provides for renewal of CLPs that have been issued for a period of less than a year.

VII. Regulatory Analyses

A. E.O. 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures

This NPRM is not a significant regulatory action under section 3(f) of Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993), Regulatory Planning and Review, as supplemented by E.O. 13563 (76 FR 3821, January 21, 2011), Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(4) of that Order. It is also not significant within the meaning of DOT regulatory policies and procedures (DOT Order 2100.5 dated May 22, 1980; 44 FR 11034, February 26, 1979). Accordingly, the Office of Management and Budget has not reviewed it under these Orders. This proposed rule would amend existing procedures and practices governing the issuance of commercial learner's permits.

Costs and Benefits

This proposed rule allows States to issue a CLP that is valid for no more than one year from the date of initial issuance, with or without renewal during that one-year period. This approach would replace the current requirements, as set forth in §§ 383.25(c) and 383.73(a)(2)(iii), which require that a CLP must be valid for no more than 180 days from the date of issuance, with an additional 180-day renewal possible at the State's discretion.

The primary entities affected by this proposed rule would be SDLAs and CLP holders. FMCSA is unable to estimate how many of the 51 SDLAs may choose under this proposed rule to issue a CLP that is valid for up to one year. The number of SDLAs that have thus far chosen to issue a CLP that is valid for one year from the date of issuance without renewal, consistent with the exemption to § 383.25(c) issued on April 5, 2016 (81 FR 19703), is unknown.[1] FMCSA seeks any information available in this regard.

FMCSA estimates that approximately 476,000 CLPs are issued annually nationwide. This estimate is based primarily on information from the Commercial Driver's License Information System (CDLIS), a nationwide computer system that enables SDLAs to ensure that each commercial driver has only one driver's license and one complete driver record. Data provided by the American Association of Motor Vehicle Administrators (AAMVA) for the three calendar years 2013 through 2015 indicate that approximately 476,000 new Master Pointer Records (MPRs) were added annually to CDLIS during that time.[2] An MPR is typically added to CDLIS within 10 days of issuing a CLP to a driver who is believed to have never held one previously, or when a non-commercial driver is convicted of a violation in a commercial motor vehicle (CMV). FMCSA believes that the number of MPRs added to CDLIS for drivers without a CLP or CDL but that were convicted of a violation while driving a CMV is very small. To the extent this may occur, the 476,000 value noted above may slightly overestimate the actual number of CLPs issued annually. Conversely, due to certain record retention requirements of CDLIS, it may be possible that a CLP applicant already could have an MPR present in CDLIS (from a previous CDL or CLP that was held by that applicant and for which the MPR created remains in CDLIS for some time after the CLP or CDL has expired or otherwise is no longer in force). To the extent this occurs, the 476,000 value noted above may slightly underestimate the actual number of CLPs issued annually. Despite these potential sources of minor uncertainty, FMCSA believes that the estimate of approximately 476,000 CLPs currently issued annually nationwide is

[1] The Driver and Motor Vehicle Services Division (DMV) of the Oregon Department of Transportation (ODOT) currently offers a CLP that is valid for one year and cannot be renewed. See *https://www.oregon.gov/ODOT/DMV/pages/driverid/cdlget.aspx* (accessed February 9, 2017). ODOT requested the limited exemption from the CLP requirements in 49 CFR 383.25(c), which FMCSA issued on April 5, 2016, and which is applicable to all SDLAs.

[2] This estimate excludes data for the month of October 2015, which appeared to be an anomalous outlier figure of about twice the typical monthly figure for the 35 other months during the three year time period of 2013 through 2015 for which data was obtained. It is believed that this may be due in part to the requirement under MAP–21 Section 32305 (Commercial Driver's License Program) that States must be in compliance with all CDL requirements by September 30, 2015.

a reasonable one. The Agency specifically invites comment on the accuracy of this estimate. Of the estimated 476,000 CLPs issued annually, there is no readily available source of information regarding how many are renewed. We therefore seek comment and supporting information regarding the number of CLPs issued annually nationwide that are currently renewed. Because the Agency cannot currently quantify the number of CLPs issued annually that are renewed, nor the number of SDLAs that would choose to issue a CLP that is valid for up to one year from the date of issuance, FMCSA is unable to quantify the number of CLP holders who would be affected by this proposed rule.

Although FMCSA is unable to quantify the number of SDLAs that may choose to issue a CLP that is valid for up to one year or the number of CLP holders that would be affected by this proposed rule, there are certain types of benefits, costs, and transfers that may occur as a result of this rule.

The potential benefits of this proposed rule would include reduced costs to CLP holders, including reductions in the opportunity cost of time that in the absence of this proposed rule would be spent by CLP holders traveling to and from an SDLA office and at an SDLA office, renewing a CLP that is valid for no more than 180 days. Though potential savings to CLP holders of CLP renewal fees may also appear to be a benefit of this proposed rule, any such changes in renewal fee amounts are best classified as a transfer, which is discussed further below. SDLAs may also realize potential benefits. For example, for SDLAs that chose under this proposed rule to issue a CLP that is valid for up to one year, costs associated with processing renewals of CLPs would be eliminated. However, there may be transfer payments as discussed below. FMCSA seeks comment and any supporting information regarding the potential benefits of this proposed rule.

FMCSA does not expect there to be any costs imposed upon CLP holders as a result of this proposed rule. However, there may be transfer payments as discussed below. The potential costs of this proposed rule to SDLAs include information technology (IT) system upgrade costs for those SDLAs that choose to issue a CLP that is valid for up to one year. Such IT system upgrades may include software programming changes necessary to reflect a change from a CLP that is valid for up to 180 days to a CLP that is valid for up to one year. The State of Colorado noted the potential for such IT system costs to SDLAs in its comments to the November 27, 2015, notice of ODOT's application for exemption (80 FR 74199), as discussed in the Agency's grant of application for exemption published on April 5, 2016 (81 FR 19703). Under the proposed rule, the decision by an SDLA to issue a CLP that is valid for up to one year would be discretionary. Accordingly, the Agency expects that SDLAs will choose to make this change only to the extent that such IT system upgrade costs would be less than the reduced costs associated with no longer having to process renewals of CLPs, thus resulting in a net benefit to the SDLA.

Finally, though potential reductions in CLP renewal fees collected by SDLAs may appear to be a cost of this proposed rule to SDLAs, any such changes in renewal fee amounts are best classified as a transfer, which is discussed further below. FMCSA seeks comment on supporting information regarding the potential costs of this proposed rule.

In addition to the potential benefits and costs of the rule discussed above, there are also certain transfer payment effects that may occur as a result of this rule. Transfer payments are monetary payments from one group to another that do not affect total resources available to society, and therefore do not represent actual costs or benefits to society. Because of the potential elimination of CLP renewal fees, and the potential for changes to CLP issuance fees, there are transfer effects that may result from this rule. These potential transfer effects include a transfer of CLP renewal fee amounts from SDLAs to CLP holders, and a transfer of CLP renewal fee amounts from one set of CLP holders to another set of CLP holders. In cases where an SDLA maintains the same fee for issuance of a CLP, a transfer would occur from SDLAs to CLP holders. This transfer represents the total amount of CLP renewal fees that in the absence of this proposed rule CLP holders renewing their CLP would have paid SDLAs.[3] Such reductions in CLP renewal fee amounts to SDLAs are properly classified as a transfer, rather than as a cost to SDLAs (in the form of forgone fee revenue) or as a benefit to CLP holders (in the form of CLP renewal fees no longer expended). There is no aggregate change in social welfare resulting from this impact, as it is a simple transfer of value from one set of entities to another. Alternatively, in cases where an SDLA were to increase its fee for the issuance of a CLP in order to offset any reduction in revenue resulting from the elimination of CLP renewals and associated fees, a transfer would occur from those CLP holders who in the baseline would not have renewed their CLP to CLP holders who in the baseline would have renewed their CLP.[4] Here too there is no aggregate change in social welfare resulting from this impact, as again it is a simple transfer of value from one set of entities to another. In any case, the extent to which SDLAs that choose under this proposed rule to issue a CLP that is valid for up to one year may increase their fee for issuance of a CLP is unknown.[5] The incentive for an SDLA to do so, however, is likely low due in part to the fact that CLP renewal fees are expected to be a relatively small proportion of the overall fee revenue collected by any given SDLA.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Pub. L. 104–121, 110 Stat. 857), requires Federal agencies to consider the impact of their regulatory proposals on small entities, analyze

[3] In some States, no fee is charged for CLP renewal, and therefore this type of transfer would not occur if CLP renewals were eliminated.

[4] As an example of this type of transfer effect, consider a scenario in which in the baseline 10,000 CLPs are issued annually by a State. Of these 10,000 CLP holders, assume half (5,000) renew their CLP, and the remaining half do not. Finally, assume the fee for initial issuance of a CLP in this State is $25, and that the fee for renewal of a CLP in this State is $20. Under this scenario, the total fee revenue collected by the SDLA would be $350,000 in the baseline (calculated as 10,000 CLPs issued at $25 each, plus 5,000 renewals at $20 each). Under the rule, with CLP renewal fee revenue now eliminated, for the SDLA to receive the same $350,000 of fee revenue as before the rule, the fee for CLP issuance would need to increase from $25 to $35. Therefore, the 5,000 drivers who in the baseline would not have renewed their CLP would incur an increase in their fees from $25 to $35. However, the other 5,000 drivers who in the baseline would have had to renew their CLP would realize a reduction in their total fees from $45 (for CLP issuance plus CLP renewal) to $35. This would amount to a transfer from the former set of drivers (who in the baseline would not have renewed their CLPs) to the latter set of drivers (who in the baseline would have renewed their CLPs).

[5] Under the limited exemption from the CLP requirements in 49 CFR 383.25(c) that was issued on April 5, 2016, the Driver and Motor Vehicle Services Division (DMV) of the Oregon Department of Transportation (ODOT) did subsequently choose to offer a CLP that is valid for one year and cannot be renewed. See *https://www.oregon.gov/ODOT/DMV/pages/driverid/cdlget.aspx* (accessed October 13, 2016). Based on a review of both the *2016–2017 Oregon Commercial Driver Manual* (pg. 1–6, available at *http://www.odot.state.or.us/forms/dmv/36.pdf*), and the *2012–2013 Oregon Commercial Driver Manual* (pg. 1–5, available at *http://www.e-gears.com/manuals/or_cdl_manual.pdf*), it appears that the fee charged by ODOT for issuance of a CLP was not changed when ODOT chose to offer a CLP that is valid for one year.

effective alternatives that minimize small entity impacts, and make their analyses available for public comment. The term ''small entities'' means small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations under 50,000.[6] Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these entities.

When an agency issues a rulemaking proposal, the RFA requires the agency to ''prepare and make available for public comment an initial regulatory flexibility analysis'' which will ''describe the impact of the proposed rule on small entities'' (5 U.S.C. 603(a)). Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the proposed rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

The primary entities affected by this proposed rule would be SDLAs and CLP holders. Under the standards of the RFA, as amended by the SBREFA, neither SDLAs nor CLP holders are small entities. SDLAs are not considered small entities because they do not meet the definition of a small entity in Section 601 of the RFA. Specifically, States are not considered small governmental jurisdictions under Section 601(5) of the RFA, both because State government is not included among the various levels of government listed in Section 601(5), and because, even if this were the case, no State nor the District of Columbia has a population of less than 50,000, which is the criterion by which a governmental jurisdiction is considered small under Section 601(5) of the RFA. CLP holders are not considered small entities because they too do not meet the definition of a small entity in Section 601 of the RFA. Specifically, CLP holders are considered neither a small business under Section 601(3) of the RFA, nor are they considered a small organization under Section 601(4) of the RFA. Therefore, this proposed rule will not have an impact on a substantial number of small entities.

In any case, this rule provides SDLAs the flexibility to choose whether to adopt the one-year CLP validity. As described in more detail earlier, because the decision by an SDLA to issue a CLP that is valid for up to one year is discretionary, the Agency expects that SDLAs will choose to make this change only to the extent that there is a net benefit to the SDLA. Furthermore, though there may be some transfer payment effects between certain types of CLP holders, these effects will not be significant. The Agency does not believe that there will be any costs imposed upon CLP holders as a result of this rule, and CLP holders would benefit from reductions in the opportunity cost of time that in the absence of this proposed rule would be spent by CLP holders traveling to and from an SDLA office and at an SDLA office renewing a CLP. Accordingly, I hereby certify that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. FMCSA invites comment from anyone who believes there will be a significant impact on small entities from this action.

C. Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, FMCSA wants to assist small entities in understanding this proposed rule so that they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the FMCSA point of contact, Selden Fritschner, listed in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's 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 FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

D. Unfunded Mandates Reform Act of 1995

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 State, local, or tribal governments, in the aggregate, or by the private sector, of $156 million (which is the value equivalent of $100 million in 1995, adjusted for inflation to 2015 levels) or more in any one year. This proposed rule, which is a discretionary regulatory action, would not result in such an expenditure. Nevertheless, the Agency discusses the potential effects of this proposed rule elsewhere in this preamble.

E. Paperwork Reduction Act

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

F. E.O. 13132 (Federalism)

A rule has implications for Federalism under Section 1(a) of E.O. 13132 if it has ''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.''

FMCSA determined that this proposal would not have substantial direct costs on or for States, nor would it limit the policymaking discretion of States. This proposed rule does not preempt any State law or regulation. Therefore, this proposed rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Impact Statement.

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

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

H. E.O. 13045 (Protection of Children)

E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), requires agencies issuing ''economically significant'' rules, if the regulation also concerns an environmental health or safety risk that an agency has reason to believe may disproportionately affect children, to include an evaluation of the regulation's environmental health and safety effects on children. The Agency determined this proposed rule is not economically significant. Therefore, no analysis of the impacts on children is required. In any event, this regulatory action does not in any respect present an environmental health or safety risk that could disproportionately affect children.

[6] Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Available at: *https://www.sba.gov/advocacy/regulatory-flexibility-act* (accessed February 13, 2017).

I. E.O. 12630 (Taking of Private Property)

FMCSA reviewed this proposed rule in accordance with E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, and has determined it will not effect a taking of private property or otherwise have taking implications.

J. Privacy

The Consolidated Appropriations Act, 2005, (Pub. L. 108–447, 118 Stat. 2809, 3268, 5 U.S.C. 552a note) requires the Agency to conduct a privacy impact assessment (PIA) of a regulation that will affect the privacy of individuals. Because this proposed rule does not require the collection of personally identifiable information (PII), the Agency is not required to conduct a PIA.

The E-Government Act of 2002, Public Law 107–347, § 208, 116 Stat. 2899, 2921 (Dec. 17, 2002), requires Federal agencies to conduct a PIA for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. No new or substantially changed technology would collect, maintain, or disseminate information as a result of this rule. Accordingly, FMCSA has not conducted a PIA.

K. E.O. 12372 (Intergovernmental Review)

The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

L. E.O. 13211 (Energy Supply, Distribution, or Use)

FMCSA has analyzed this proposed rule under E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. The Agency has determined that the rule is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, it does not require a Statement of Energy Effects under E.O. 13211.

M. E.O. 13175 (Indian Tribal Governments)

This proposed rule does not have tribal implications under E.O. 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.

N. National Technology Transfer and Advancement Act (Technical Standards)

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) are standards that are developed or adopted by voluntary consensus standards bodies. This proposed rule does not use technical standards. Therefore, FMCSA did not consider the use of voluntary consensus standards.

O. Environment (NEPA, CAA, Environmental Justice)

FMCSA analyzed this NPRM for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under FMCSA Order 5610.1(69 FR 9680, March 1, 2004), Appendix 2, paragraph 6.t.(2). The Categorical Exclusion (CE) in paragraph 6.t.(2) includes regulations to ensure that the States comply with the provisions of the Commercial Motor Vehicle Safety Act of 1986. The requirements in this proposed rule are covered by this CE and the proposed action does not have a significant effect on the quality of the human environment. The CE determination is available for inspection or copying in the Federal eRulemaking Portal: *http://www.regulations.gov.*

FMCSA also analyzed this proposed rule under the Clean Air Act, as amended (CAA), section 176(c) (42 U.S.C. 7401 *et seq.*), and implementing regulations promulgated by the Environmental Protection Agency. Approval of this action is exempt from the CAA's general conformity requirement since it does not affect direct or indirect emissions of criteria pollutants.

Under E.O. 12898, each Federal agency must identify and address, as appropriate, ''disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations'' in the United States, its possessions, and territories. FMCSA evaluated the environmental justice effects of this proposed rule in accordance with the E.O., and has determined that no environmental justice issue is associated with this proposed rule, nor is there any collective environmental impact that would result from its promulgation.

List of Subjects in 49 CFR 383

Administrative practice and procedure, Alcohol abuse, Drug abuse, Highway safety, Motor carriers.

In consideration of the foregoing, FMCSA proposes to amend 49 CFR chapter 3, part 383 to read as follows:

PART 383—COMMERCIAL DRIVER'S LICENSE STANDARDS; REQUIREMENTS AND PENALTIES

■ 1. The authority citation for part 383 continues to read as follows:

Authority: 49 U.S.C. 521, 31136, 31301 *et seq.,* and 31502; secs. 214 and 215 of Pub. L. 106–159, 113 Stat. 1748, 1766, 1767; sec. 1012(b) of Pub. L. 107–56, 115 Stat. 272, 297; sec. 4140 of Pub. L. 109–59, 119 Stat. 1144, 1746; sec. 32934 of Pub. L. 112–141, 126 Stat. 405, 830; sec. 7208 of Pub. L. 114–94, 129 Stat. 1312, 1593; and 49 CFR 1.87.

■ 2. Amend § 383.25 to revise paragraph (c) to read as follows:

§ 383.25 Commercial learner's permit (CLP).

* * * * *

(c) The CLP must be valid for no more than one year from the date of issuance without requiring the CLP holder to retake the general and endorsement knowledge tests. CLPs issued for a period of less than one year may be renewed as long as the renewed CLP is valid for no more than one year from the date of initial issuance of the original CLP.

■ 3. Amend § 383.73 to revise paragraph (a)(2)(iii) to read as follows:

§ 383.73 State procedures.

(a) * * *

(2) * * *

(iii) Make the CLP valid for no more than one year from the date of issuance without requiring the CLP holder to retake the general and endorsement knowledge tests. CLPs issued for a period of less than one year may be renewed as long as the renewed CLP is valid for no more than one year from the date of initial issuance of the original CLP.

* * * * *

Issued under authority delegated in 49 CFR 1.87 on: June 6, 2017.

Daphne Y. Jefferson,

Deputy Administrator.

[FR Doc. 2017–12080 Filed 6–9–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 383, 384

[Docket No. FMCSA–2017–0047]

RIN 2126–AB99

Military Licensing and State Commercial Driver's License Reciprocity

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would allow State Driver Licensing Agencies (SDLAs) to waive the requirements for the commercial driver's license (CDL) knowledge tests for certain individuals who are, or were, regularly employed within the last year in a military position that requires/required, the operation of a commercial motor vehicle (CMV).

DATES: Comments on this notice must be received on or before August 11, 2017.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2017–0047 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments, including collection of information comments for the Office of Information and Regulatory Affairs, OMB.

FOR FURTHER INFORMATION CONTACT: Mr. Selden Fritschner, CDL Division, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, by email at *Selden.fritschner@dot.gov,* or by telephone at 202–366–0677. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

This notice of proposed rulemaking (NPRM) is organized as follows:

I. Public Participation and Request for Comments
  A. Submitting Comments
  B. Viewing Comments and Documents
  C. Privacy Act
  D. Waiver of Advance Notice of Proposed Rulemaking
II. Executive Summary
III. Legal Basis for the Rulemaking
IV. Regulatory Background
  A. Current Standards
  B. Recent Activity
V. Discussion of Proposed Rulemaking
VI. Removal of Regulatory Guidance
VII. International Impacts
VIII. Section-by-Section
IX. Regulatory Analyses
  A. Executive Order (E.O.) 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures)
  B. Regulatory Flexibility Act (Small Entities)
  C. Assistance for Small Entities
  D. Unfunded Mandates Reform Act of 1995
  E. Paperwork Reduction Act (Collection of Information)
  F. E.O. 13132 (Federalism)
  G. E.O. 12988 (Civil Justice Reform)
  H. E.O. 13045 (Protection of Children)
  I. E.O. 12630 (Taking of Private Property)
  J. Privacy
  K. E.O. 12372 (Intergovernmental Review)
  L. E.O. 13211 (Energy Supply, Distribution, or Use)
  M. E.O. 13175 (Indian Tribal Governments)
  N. National Technology Transfer and Advancement Act (Technical Standards)
  O. Environment (NEPA, CAA, Environmental Justice)

I. Public Participation and Request for Comments

A. Submitting Comments

If you submit a comment, please include the docket number for this NPRM (Docket No. FMCSA–2017–0047), indicate the specific section of this document to which each section applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–2017–0047, in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

B. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2017–0047, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

C. 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.*

D. Waiver of Advance Notice of Proposed Rulemaking

Under section 5202 of the Fixing America's Surface Transportation Act, Public Law 114–94 (FAST Act), if a regulatory proposal is likely to lead to the promulgation of a major rule, agencies are required to start the process

with an advance notice of proposed rulemaking (ANPRM) or a negotiated rulemaking, unless the Agency finds good cause that an ANPRM is impracticable, unnecessary, or contrary to the public interest. This NPRM is not subject to these provisions because it is not likely to lead to the promulgation of a major rule.

II. Executive Summary

This proposed rule would allow SDLAs to waive the requirements for a knowledge test for certain individuals who are regularly employed, or were regularly employed within the last year, in a military position requiring the operation of a CMV. This rulemaking implements part of section 5401 of the FAST Act.

Today's proposed rule, in combination with a recent rulemaking—Commercial Driver's License Requirements of the Moving Ahead for Progress in the 21st Century Act (MAP–21) and the Military Commercial Driver's License Act of 2012, published on October 13, 2016, (81 FR 70634), hereafter referred to as the Military CDL I Rule—would give States the option to waive both the CDL knowledge and skills tests for certain current and former military service members who received training in the operation of CMVs during active-duty or reserve service in military vehicles that are comparable to CMVs. The combined effect of the Military CDL I Rule and this proposal would allow certain current or former military drivers, domiciled in participating States, to transition more quickly from the armed forces to civilian driving careers.

FMCSA evaluated potential costs and benefits associated with this proposed rulemaking. The Agency concluded that costs, if any, would be minimal and are not quantifiable, while benefits would accrue primarily to certain current and former military service members transitioning into civilian careers as CMV drivers, and secondarily to their potential employers. Because the proposed rule is voluntary—States are not required to waive the knowledge and/or skills tests—potential variations among States with respect to conditions and limitations imposed beyond those of this proposed rule could be substantial. The Agency is unable to quantify these benefits.

III. Legal Basis for the Rulemaking

This rulemaking rests on the authority of the Commercial Motor Vehicle Safety Act of 1986 (CMVSA), as amended, codified at 49 U.S.C. chapter 313 and 49 CFR parts 382, 383, and 384. The NPRM also responds to section 5401(a) of the FAST Act [Pub. L. 114–94, 129 Stat. 1312, 1546, December 4, 2015]. This section requires FMCSA to modify the minimum testing standards of its CDL regulations to credit the training and knowledge that certain current or former military drivers received in the armed forces, including the reserve components and National Guard, in order to drive military vehicles similar to civilian CMVs [49 U.S.C. 31305(d)(1)(C)].

The CMVSA provides broadly that ''[t]he Secretary of Transportation shall prescribe regulations on minimum standards for testing and ensuring the fitness of an individual operating a commercial motor vehicle'' [49 U.S.C. 31305(a)]. In general, those regulations must include (1) minimum standards for knowledge and driving (skills) tests, (2) use of a representative vehicle to take the driving test, (3) minimum testing standards, and (4) working knowledge of CMV regulations and vehicle safety systems [49 U.S.C. 31305(a)(1)–(4)].

Section 5401(a) of the FAST Act added 49 U.S.C. 31305(d): ''Standards for Training and Testing of Veteran Operators.'' Section 31305(d)(1)(A) required the Agency to modify its CDL regulations to ''exempt a covered individual from all or a portion of a driving test if the covered individual had experience in the armed forces or reserve components driving vehicles similar to a commercial motor vehicle.'' Section 31305(d)(1)(B) required FMCSA to ''ensure that a covered individual may apply for an exemption under subparagraph (A) during, at least, the 1-year period beginning on the date on which such individual separates from services in the armed forces or reserve components.'' The term ''reserve components'' includes the Army and Air National Guard. Section 5401(c) also directed the Agency to adopt regulations allowing certain military personnel an exemption from the normal CDL domicile requirement, as authorized by the Military Commercial Driver's License Act of 2012 [Military CDL Act] and codified at 49 U.S.C. 31311(a)(12)(C). These three provisions were implemented by the Military CDL I Rule.

The last element of section 5401(a), which was not addressed in the Military CDL I Rule, directed the Agency to ''credit the training and knowledge a covered individual received in the armed forces or reserve components driving vehicles similar to a commercial motor vehicle for purposes of satisfying minimum standards for training and knowledge'' [49 U.S.C. 31305(d)(1)(C)]. That requirement is the subject of this NPRM. It should be noted that section 31305(d)(2)(B) defines a ''covered individual'' as someone over 21 years of age who is ''(i) a *former* member of the armed forces; or (ii) a *former* member of the reserve components'' [emphasis added]. Limitation of the ''credit'' to be conferred by section 5401(a) to former members of the active-duty armed forces is at least understandable, since active-duty service members would presumably not have enough off-duty time to engage in civilian driving requiring a CDL. However, limiting that ''credit'' to former members of the reserve components would exclude large numbers of current reservist drivers who received the same rigorous military CMV training as active-duty personnel but perform military service only part-time, while holding full-time civilian jobs. Because the clear objective of section 5401(a) is to make it easier for trained military drivers to obtain CDLs and move into civilian driving careers, and because the word ''former'' in the definition of a ''covered individual'' largely defeats the purpose of the statute, FMCSA has concluded that it would be appropriate to expand the eligible population. This NPRM would therefore allow SDLAs to waive the knowledge test for both current and former service members who had undergone certain CMV driver training while serving in the military. Using the broad authority of 49 U.S.C. 31315(b), the Agency took the same position (without comment) in granting all SDLAs the temporary option (for a 2-year period) of waiving the CDL knowledge test for current or former members of the military services, including the reserves and National Guard, who had completed certain formal military driver training (81 FR 74861, Oct. 27, 2016).

Federal training standards for CMV drivers were adopted only recently. Section 32304 of the Moving Ahead for Progress in the 21st Century Act (MAP–21) [Pub. L. 112–141, July 6, 2012, 126 Stat. 405, 791] required entry-level driver training (ELDT) of CDL applicants [49 U.S.C. 31305(c)]. That requirement was promulgated on December 8, 2016 [81 FR 88732]. However, the ELDT rule provides that ''(3) Veterans with military CMV experience who meet all the requirements and conditions of § 383.77 of this chapter'' are not required to complete the new entry-level training program [49 CFR 380.603(a)(3)]. Because § 383.77 authorizes the States to exempt CDL applicants with military CMV experience from the *driving skills test,* those drivers are also exempt from ELDT.

Under 49 CFR 383.77, as amended by the Military CDL I Rule, the Agency now provides partial credit for military drivers' training and knowledge by allowing States to exempt from the CDL driving skills test those employees who are or were regularly employed within the last year in a military position requiring the operation of a military vehicle that is comparable to a CMV.

This NPRM would implement 49 U.S.C. 31305(d)(1)(C) by giving States the discretion (subject to certain limits) to exempt CDL applicants with military CMV experience from the *knowledge test* required for a commercial learner's permit (CLP). This NPRM would complete the requirement of section 31305(d)(1)(C) to ''credit the training and knowledge a covered individual received in the armed forces or reserve components driving vehicles similar to a commercial motor vehicle for purposes of satisfying minimum standards for training and knowledge.''

IV. Regulatory Background

A. Current Standards

Knowledge Test

As specified in 49 CFR 383.71(a)(2)(ii), any individual applying for a CDL or CLP is required to take and pass a general knowledge test. The general knowledge test must meet the Federal standards contained in subparts F, G, and H of part 383 for the commercial vehicle group that person operates or expects to operate.

Skills Test

A final rule published on May 9, 2011 [''Commercial Driver's License Testing and Commercial Learner's Permit Standards'' (76 FR 26854)] added new 49 CFR 383.77, which allowed the States to substitute CDL applicants' eligible military CMV experience for the skills test.

B. Recent Activity

Military CDL I Rule

The Military CDL I Rule addressed the requirements of 49 U.S.C. 31305(d)(1)(A) and (B) (81 FR 70634). That rule allowed States to extend from 90 days to 1 year the period of time for an individual who is regularly employed or was regularly employed in a position requiring operation of a CMV to apply for a skills test waiver after leaving the military.

Additionally, the Military CDL I Rule allowed the SDLA in the State where military personnel are stationed (State of duty station) to coordinate with the State of domicile to expedite the processing of applications and administer the knowledge and skills tests for a CLP or CDL. The SDLA in the State of domicile could then issue the CLP or CDL on the basis of tests performed by the SDLA in the State of duty station.

Knowledge Test Exemption Request

The Missouri Department of Revenue (DOR) submitted a request for an exemption from the FMCSA regulation that requires any driver to pass the general knowledge test before being issued a CLP or CDL. The request is available in docket FMCSA–2016–0130, or at: *https://www.regulations.gov/document?D=FMCSA-2016-0130-0004.* The Missouri DOR asked FMCSA to waive the knowledge test requirement for qualified veterans who participated in dedicated training through approved military programs. The Missouri DOR contended that qualified personnel who participated in such programs had already received the numerous hours of classroom training, practical skills, and one-on-one road training that are essential for safe driving. Upon reviewing the request, FMCSA agreed with Missouri DOR's reasoning and granted a two-year exemption on October 27, 2016 (81 FR 74861). The Agency extended the exemption to allow all SDLAs, at their discretion, to waive the knowledge test requirements to qualified veterans, reservists, National Guard, and active-duty personnel.

V. Discussion of Proposed Rulemaking

This NPRM addresses the third requirement of section 5401(a) of the FAST Act [49 U.S.C. 31305(d)(1)(C)] by proposing to allow SDLAs to exempt certain personnel from the CDL knowledge test. Those personnel are drivers who are regularly employed, or were regularly employed within the last year, in a military position requiring operation of a military vehicle comparable to a CMV, and who completed an approved military driver training program. FMCSA believes that this proposal would maintain a level of safety equivalent to, or greater than, the level that would be achieved by requiring military-trained drivers to pass the knowledge test.

§ 383.23 Commercial Driver's License

The reference to ''written'' tests in § 383.23(a)(1) would be changed to ''knowledge'' tests to be consistent with terminology used elsewhere in part 383.

§ 383.77 Substitute for Driving Skills Tests for Drivers With Military CMV Experience

Section 383.77(a)(1) would be revised to match proposed section 383.79(b)(2)(iii) and to avoid the unintended implication of the reference to ''not . . . more than one license.'' That original language could be misread to disqualify from the skills test waiver a driver who, in the two years immediately before applying for a CDL, moved from one State to another and held licenses sequentially, but not simultaneously, from both States. The proposed language makes it clear that an applicant cannot simultaneously have held more than one civilian license, in addition to a military license.

§ 383.79 Skills Testing of Out-of-State Students; Knowledge Test Waivers for Military Personnel

The proposal would amend § 383.79(b) to allow States to waive the CLP knowledge test for certain current or former military service members (subject to certain conditions and limitations) who were regularly employed in a military position requiring the operation of a CMV during the year immediately preceding the license application. The conditions imposed on the waiver are essentially those included in § 383.77 when that provision was adopted in 2011.

Like the Military CDL I Rule, this proposed rule would be permissive, *i.e.,* the States would be allowed, but not required, to exercise the waiver option.

§ 384.301 Substantial Compliance General Requirements

FMCSA would amend 49 CFR 384.301 by adding paragraph (l), specifying a 3-year compliance date for States. FMCSA has always allowed the States 3 years after the effective date of any new CDL rule to come into substantial compliance with its requirements. This would allow the States time to pass legislation needed to comply with the new provisions.

Justification for Changes: Armed Forces Heavy-Vehicle Driver Training Programs

Upon reviewing military driver training programs, the Agency has concluded that these programs enable drivers to maintain a level of safety equivalent to, or greater than, the level that would be achieved by requiring them to pass the CDL knowledge test. The Army, Air Force, Navy, and Marine Corps provide specific training

dedicated to operating heavy-duty vehicles.[1]

There are three basic military job training classifications, with additional training for other types of heavy-duty specialty vehicles (*e.g.,* gasoline haulers, construction vehicles, and military equipment transport oversize/overweight [non-track vehicles]).

The four core training programs for heavy vehicle operations, based on the occupational specialty code of the service member, are:

- Army—88M—Motor Transport Operator.
- Air Force—2T1—Vehicle Operations.
- Marine Corps—3531—Motor Vehicle Operator.
- Navy—EO—Equipment Operator.

Army—88M Training

The 88M Instructor Training Manual is 142 pages long. The student manual—*STP 55–88M14–SM–TG Soldier's Manual and Trainer's Guide 88M, Motor Transport Operator*—is 229 pages long and includes four levels of training. The 6-week core curriculum of the Army 88M course contains a total of 221 hours of training, including:

- Lecture—32 classroom hours.
- Practical application—road driving—189 hours.

Motor Transport Operators are primarily responsible for operating wheeled vehicles to transport personnel and cargo. Motor Transport Operator duties include: Interior components/controls and indicators; basic vehicle control; driving vehicles over all types of roads and terrain, traveling alone or in convoys; braking, coupling, backing, and alley docking; adverse/tactical driving operations; pre-trip inspections; reading load plans; checking oil, fuel and other fluid levels, as well as tire pressure; operations in automatic and manual modes; crash prevention; safety check procedures; basic vehicle maintenance and repairs; transporting hazardous materials; and keeping mileage records.

Air Force—2T1—Vehicle Operations

The Air Force *Tractor Trailer Plan of Instruction* (POI) is 226 pages long. The minimum length of instruction for the basic school is 84 hours, including:

- 22 hours of classroom.
- 62 hours of hands-on activity, both alone on a training pad and on the road with an instructor.

The core curriculum is based on the material in the *American Association of Motor Vehicle Administrators (AAMVA) CDL Manual—2005 edition (2014 revised).* Students participating in the basic 2T1 curriculum learn general principles in the classroom. Specialized training occurs at the installation using the *Tractor Trailer Plan of Instruction.* A minimum of 40 hours over-the-road time is expected on each vehicle/trailer type.

Topics covered in the Air Force Vehicle Operations course include: Overview of training and Federal requirements; Federal motor vehicle safety standards; tractor/trailer design; hazards and human factors relative to the environment where used; safety clothing and equipment; driving safely; pre- and post-trip vehicle inspection; basic vehicle control; shifting gears; managing space and speed; driving in mountains, fog, winter, very hot weather, and at night; railroad crossings; defensive awareness to avoid hazards and emergencies; skid control and recovery; what to do in case of a crash; fires; staying alert and fit to drive; hazardous materials—rules for all commercial drivers; preparing, inspecting, and transporting cargo safely; inspecting and driving with air brakes; driving combination vehicles safely; and coupling and uncoupling.

Marine Corps—3531—Motor Vehicle Operator

The core curriculum of the Marine Corps 3531 course—TM 11240–15/3G contains three training areas:

- Lecture—24 classroom hours.
- Demonstration—classroom/training pad—35 hours.
- Practical application—road driving—198 hours.

Instructional breakout includes:

- *Demonstration:* 35 hours.
- *Guided discussion:* 1.5 hours.
- *Lecture:* 24 hours.
- *Performance examination:* 62 hours.
- *Practical application (individual):* 198 hours.
- *Knowledge examination:* 7 hours.

Classroom instruction includes lectures, demonstration, and practice time for the specific tasks identified. Each classroom session includes knowledge and performance evaluations to ensure students have mastered all of the learning objectives for the specialty proficiency. Training includes both simulators and actual vehicle operation. Practical training includes on-the-road and skills operations, ground guide procedures, and operating a vehicle with a towed load. Students practice their driving and backing, with and without a trailer. Instructors ride with the students as they operate on approved road routes. Specific training areas (pads) are set aside for the students to practice their backing skills and ground guide procedures safely.

The Marine Corps training curriculum also includes emergency procedures and cargo loading.

Navy—EO—Equipment Operator

The core curriculum of the USN Heavy Vehicle Operator (Truck Driver) (EO) course (53–3032.00) is designed to train Navy personnel how to operate passenger and cargo vehicles to rated capacity. They palletize, containerize, load and safely transport various types of cargo and demonstrate knowledge and skills for qualifying as a driver journeyman. The complete program covers topics including:

- Hazardous materials transportation
- Line haul planning
- Manual tractor-truck operations
- Vehicle Recovery Operations

The course is taught over 160 hours including 30 hours classroom and 130 hours lab (behind the wheel). By completing this course, the Navy driver will be able to:

- Perform the duties of normal, non-combat conditions driving in accordance with the local state driver licensing agency's CDL driver handbook;
- Manage hazardous petroleum, oils and lubricants (POL) material required during line haul and worksite activities, to support normal, non-combat operations;
- Perform preventive maintenance on a non- or up-armored manual truck tractor with drop-neck trailer, consisting of pre-start, during-operations, and after-operations equipment checks, to support normal, non-combat operations, in accordance with local State Driver License Agency CDL handbooks;
- Operate vehicle controls of a non- or up-armored manual truck-tractor, to support normal, non-combat operations; and
- Be proficient with the components and controls of a drop-neck trailer relative to a detached/attached gooseneck and a coupled/uncoupled trailer.

Other topics covered within the Navy EO training program include:

- Development and maintenance of operational records
- Operation of high mobility multi-purpose wheeled vehicles
- Weight distribution and load securement
- Loading bulk and container cargo
- Preventive maintenance

[1] Note: Heavy-duty vehicles is a generic description used in the military to describe vehicles that have been determined by FMCSA and the American Association of Motor Vehicle Administrators to have weights equal to or larger than the weights that require a driver to hold a CDL.

- Pre- and post-trip vehicle safety inspections

The military training programs described above are thorough and comprehensive. They incorporate most of the elements recommended by the Professional Truck Driver Institute, which has been the principal standard-setting organization for private-sector motor carrier training for decades. They are also entirely compatible with the requirements of FMCSA's recently-adopted ELDT rule. Although geared to heavy-duty military vehicles, military training is readily transferrable to a civilian context, since the operational characteristics of large military and civilian vehicles are very similar and, in some cases, identical. The Agency believes that exempting these drivers from the CLP knowledge test, in addition to the skills test, will have no adverse effect on highway safety.

VI. Removal of Regulatory Guidance

FMCSA's previous regulatory guidance for § 383.77 was removed when the Agency's guidance for 49 CFR parts 383 and 384 was revised and reissued; see ''Commercial Driver's License Standards, Requirements and Penalties; Regulatory Guidance'' (DATE XX FR XXXX).

VII. International Impacts

The FMCSRs, and any exceptions to the FMCSRs, apply only within the United States (and, in some cases, United States territories). Motor carriers and drivers are subject to the laws and regulations of the countries in which they operate, unless an international agreement states otherwise. Drivers and carriers should be aware of the regulatory differences among nations.

VIII. Section-by-Section

§ 383.23 Commercial Driver's License

The reference to ''written'' tests in paragraph (a)(1) would be changed to ''knowledge'' tests to match the terminology used elsewhere in part 383.

§ 383.77 Substitute for Driving Skills Tests for Drivers With Military CMV Experience

Section 383.77(a)(1) would be revised to state that an applicant may not have held two civilian licenses simultaneously, in addition to a military license.

§ 383.79 Skills Testing of Out-of-State Students; Knowledge Test Waivers for Certain Military Personnel

The title of this section would be amended slightly, while paragraph (a), *CDL applicants trained out-of-State,* would not be modified.

Existing paragraph (b), *Military service member applicants for a CLP or CDL,* would be removed and replaced by a new paragraph (b), *Knowledge test waivers for certain current or former military service members applying for a CLP or CDL.*

Existing paragraph (b)(1) would be redesignated as proposed paragraph (c). A new paragraph, *In general,* would be added as paragraph (b)(1).

Existing paragraph (b)(2) would be redesignated as proposed paragraph (d). A new paragraph, *Conditions and limitations,* would be added as paragraph (b)(2), outlining the requirements to apply for a waiver of the knowledge test.

Redesignated paragraph (c) would retain the content of current paragraph (b)(1), *State of duty station,* but with some editorial changes.

New paragraph (d), *Electronic transmission,* is currently codified as paragraph (b)(2).

New paragraph (e), *State of domicile,* would be revised to reflect the new waiver options proposed by this NPRM.

§ 384.301 Substantial Compliance General Requirements

This proposed rule would not alter the existing paragraphs in this section. Paragraph (l) is added.

IX. Regulatory Analyses

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures

Under E.O. 12866 (58 FR 51735, October 4, 1993) as supplemented by E.O. 13563 and DOT policies and procedures, FMCSA must determine whether a regulatory action is ''significant,'' and therefore subject to OMB review and the requirements of the E.O. The Order defines ''significant regulatory action'' as one 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 government 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.

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the E.O.

FMCSA has determined that this action is not a significant regulatory action within the meaning of E.O. 12866 or significant within the meaning of Department of Transportation regulatory policies and procedures. However, FMCSA did evaluate the costs and benefits of this proposed rulemaking. This proposed rulemaking would not result in an annual effect on the economy of $100 million or more, lead to a major increase in costs or prices, or have significant adverse effects on the United States economy.

Costs and Benefits

FMCSA evaluated potential costs and benefits associated with this proposed rulemaking. The Agency concludes that costs, if any, would be minimal and are non-quantifiable, while benefits would be realized by certain current and former military service members transitioning into civilian careers driving CMVs, as well as by their potential employers. Due to the voluntary nature of the proposed rule and potential variations across States with respect to conditions and limitations imposed beyond those of § 383.79, the Agency is unable to quantify these benefits.

Section 383.79(b)

The proposed rule would allow States to waive the requirement in § 383.23(a)(1) that an applicant must pass a knowledge test for a CLP, including waiver of the knowledge test for a CLP required by § 383.111, for certain current or former military service members. This proposed rule would allow States to provide waivers of the knowledge test, if the individual can certify and provide evidence that during the 1-year period immediately prior to the application he or she met the criteria outlined in § 383.79.

Under the proposed rule, certain active-duty military service members may submit an application to the SDLA in their State of duty station for a CLP or CDL, including an application for a waiver of the knowledge test, upon prior agreement between respective SDLAs in the State of duty station and State of domicile. This proposed rule is therefore expected to result in time savings to active-duty service members equivalent to the amount of time that would otherwise be spent preparing for and taking the knowledge test. The Agency cannot quantify the aggregate extent of such time savings, as the proposed rule would not require States

to accept applications for waivers of the knowledge test; nor can the Agency know what conditions and limitations States may impose on applicants beyond those of this proposed rule. However, the Agency considers it likely that those States that elect to accept applications for waivers of the driving skills test would also accept applications for waivers of the knowledge test following implementation of the proposed rule, subject to similar conditions and limitations. If the proposed rule encourages additional active-duty military service members to seek civilian employment as drivers following their completion of military service, their potential employers may benefit from an increase in the labor supply; however, the Agency is likewise unable to quantify this benefit due to the reasons cited above.

Certain former military service members seeking to transition into civilian employment as a driver may benefit under the proposed rule by no longer having to possess a CLP for 14 days before either taking the driving skills test or applying for a waiver of the driving skills test. Provided that their State of domicile would accept applications for waivers of both the knowledge test and the skills test, such former military service members may apply simultaneously for both. As noted above, the Agency considers it likely that States that elect to accept applications for waivers of the driving skills test would also accept applications for waivers of the knowledge test following implementation of the proposed rule, subject to similar conditions and limitations. By providing an expedited path to enter the labor market, the rule allows certain former service members to benefit from faster access to jobs, while their potential employers may benefit from faster access to those individuals' labor hours. As with certain active-duty military service members, certain former military service members who obtain waivers of the knowledge test would also incur time savings equivalent to the time that would otherwise be spent preparing for and taking the knowledge test. Due to the voluntary nature of this proposed rule and uncertainty regarding conditions and limitations States may impose on applicants beyond that of § 383.79, the Agency cannot estimate the aggregate value of these benefits to certain former military service members or their potential employers.

In considering the costs of the proposed rule, the Agency notes that the NPRM would allow the State of duty station (for active service members) to transmit completed applications to the State of domicile by a direct, secure, and efficient electronic system. Completed applications are to include any supporting documents pertinent to the waiver(s) being sought and—if the State of domicile has not exercised its waiver option—the results of any knowledge and skills tests administered. This proposed rule does not require the creation of or significant modification to existing communication methods between SDLAs. At present, transmissions between a State of duty station and State of domicile are already subject to identical requirements with respect to secure electronic transmission of completed applications under § 383.79(c). The Agency expects *de minimis* modifications may be needed depending on individual State variations (if any) in documentation that would be required for applications for knowledge test waivers. The *de minimis* expectation is rooted in the assumption that States will take a pragmatic approach by requiring the same documentation for a knowledge test waiver application as for a skills test waiver application.

B. Regulatory Flexibility Act (Small Entities)

The Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Pub. L. 104–121, 110 Stat. 857), requires Federal agencies to consider the impact of their regulatory proposals on small entities, analyze effective alternatives that minimize small entity impacts, and make their analyses available for public comment. The term ''small entities'' means small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with a population of less than 50,000.[2] Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these entities.

When an agency issues a rulemaking proposal, the RFA requires the agency to ''prepare and make available for public comment an initial regulatory flexibility analysis'' which will ''describe the impact of the proposed rule on small entities'' (5 U.S.C. 603(a)). Section 605 of the RFA allows an agency to certify, in lieu of preparing an analysis, if the proposed rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

The primary entities affected by this proposed rule would be certain current and former military service members and SDLAs. Under the standards of the RFA, as amended by the SBREFA, none of these are small entities. Therefore, FMCSA has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities. Incidentally, the proposed rule's impacts on current and former military service members would be entirely beneficial by allowing States to provide more flexibility to those seeking to obtain a CDL. With respect to costs, the impacts on SDLAs that choose to exercise the waiver option are estimated to be *de minimis.*

Accordingly, I hereby certify that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. FMCSA invites comment from members of the public who believe there will be a significant impact on small entities from this action.

C. Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, FMCSA wants to assist small entities in understanding this proposed rule so that they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance; please consult the FMCSA point of contact, Selden Fritschner, listed in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's 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 FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

[2] Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Available at: *https://www.sba.gov/advocacy/regulatory-flexibility-act* (accessed December 14, 2016).

D. Unfunded Mandates Reform Act of 1995

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 State, local, or tribal governments, in the aggregate, or by the private sector, of $156 million (which is the equivalent of $100 million in 1995, adjusted for inflation to 2015 levels) or more in any one year. Though this proposed rule would not result in such expenditure, the Agency does discuss the effects of the proposed rule elsewhere in this preamble.

E. Paperwork Reduction Act (Collection Information)

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

F. E.O. 13132 (Federalism)

A rule has implications for Federalism under Section 1(a) of E.O. 13132 if it has ''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.''

FMCSA has determined that this proposed rule would not have substantial direct costs on or for the States, nor will it limit the policymaking discretion of the States. This proposed rule does not preempt any State law or regulation. Therefore, this proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

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

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

H. E.O. 13045 (Protection of Children)

E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), requires agencies issuing ''economically significant'' rules, if the regulation also concerns an environmental health or safety risk that an agency has reason to believe may disproportionately affect children, to include an evaluation of the regulation's environmental health and safety effects on children. The Agency determined this proposed rule is not economically significant. Therefore, no analysis of the impacts on children is required. In any event, this regulatory action does not in any respect present an environmental health or safety risk that could disproportionately affect children.

I. E.O. 12630 (Taking of Private Property)

FMCSA reviewed this proposed rule in accordance with E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, and has determined it will not effect a taking of private property or otherwise have taking implications.

J. Privacy

The Consolidated Appropriations Act, 2005, (Pub. L. 108–447, 118 Stat. 2809, 3268, 5 U.S.C. 552a note) requires the Agency to conduct a privacy impact assessment (PIA) of a regulation that will affect the privacy of individuals. Because this proposed rule does not require the collection of personally identifiable information (PII), the Agency is not required to conduct a PIA.

The E-Government Act of 2002, Public Law 107–347, 208, 116 Stat. 2899, 2921 (Dec. 17, 2002), requires Federal agencies to conduct a PIA for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. No new or substantially changed technology would collect, maintain, or disseminate information as a result of this rule. Accordingly, FMCSA has not conducted a PIA.

K. E.O. 12372 (Intergovernmental Review)

The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

L. E.O. 13211 (Energy Supply, Distribution, or Use)

FMCSA has analyzed this proposed rule under E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. The Agency has determined that the rule is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, it does not require a Statement of Energy Effects under E.O. 13211.

M. E.O. 13175 (Indian Tribal Governments)

This proposed rule does not have tribal implications under E.O. 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.

N. National Technology Transfer and Advancement Act (Technical Standards)

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) are standards that are developed or adopted by voluntary consensus standards bodies. This proposed rule does not use technical standards. Therefore, FMCSA did not consider the use of voluntary consensus standards.

O. Environment (NEPA, CAA, Environmental Justice)

FMCSA analyzed this NPRM for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under FMCSA Order 5610.1 (69 FR 9680, March 1, 2004), Appendix 2, paragraphs 6.s.(6) and 6.t.(2). The Categorical Exclusion (CE) in paragraph 6.s.(6) covers a requirement for States to give knowledge and skills tests to all qualified applicants for commercial drivers' licenses which meet the Federal standard. The CE in paragraph 6.t.(2) covers regulations to ensure that the States comply with the provisions of the Commercial Motor Vehicle Safety Act of 1986, by: (2) Having the appropriate laws, regulations, programs, policies, procedures and information systems concerning the qualification and licensing of persons who apply for a commercial driver's license, and persons who are issued a commercial driver's license. The requirements in this proposed rule are covered by these CEs and the proposed action does not have any effect on the quality of the environment. The CE determination is available for inspection or copying in the Federal eRulemaking Portal: *http://www.regulations.gov.*

FMCSA also analyzed this proposed rule under the Clean Air Act, as amended (CAA), section 176(c) (42 U.S.C. 7401 *et seq.*), and implementing regulations promulgated by the Environmental Protection Agency. Approval of this action is exempt from the CAA's general conformity requirement since it does not affect direct or indirect emissions of criteria pollutants.

Under E.O. 12898, each Federal agency must identify and address, as appropriate, ''disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations'' in the United States, its possessions, and territories. FMCSA evaluated the environmental justice effects of this proposed rule in accordance with the E.O., and has determined that no environmental justice issue is associated with this proposed rule, nor is there any collective environmental impact that would result from its promulgation.

List of Subjects

49 CFR Part 383

Administrative practice and procedure, Alcohol abuse, Drug abuse, Highway safety, Motor carriers.

49 CFR Part 384

Administrative practice and procedure, Alcohol abuse, Drug abuse, Highway safety, Motor carriers.

In consideration of the foregoing, FMCSA amends 49 CFR chapter III, parts 383 and 384 to read as follows:

PART 383—COMMERCIAL DRIVER'S LICENSE STANDARDS; REQUIREMENTS AND PENALTIES

■ 1. The authority citation for part 383 is revised to read as follows:

Authority: 49 U.S.C. 521, 31136, 31301 *et seq.,* and 31502; secs. 214 and 215 of Pub. L. 106–159, 113 Stat. 1748, 1766, 1767; sec. 1012(b) of Pub. L. 107–56; 115 Stat. 272, 297, sec. 4140 of Pub. L. 109–59, 119 Stat. 1144, 1746; sec. 32934 of Pub. L. 112–141, 126 Stat. 405, 830; secs. 5401 and 7208 of Pub. L. 114–94, 129 Stat. 1312, 1546, 1593; and 49 CFR 1.87.

■ 2. Amend § 383.23 by revising paragraph (a)(1) to read as follows:

§ 383.23 Commercial driver's license.

(a) *General rule.*

(1) No person shall operate a commercial motor vehicle unless such person has taken and passed knowledge and driving tests for a CLP or CDL that meet the Federal standards contained in subparts F, G, and H of this part for the commercial motor vehicle that person operates or expects to operate.

* * * * *

■ 3. Amend § 383.77 by revising paragraph (a)(1) to read as follows:

§ 383.77 Substitute for driving skills tests for drivers with military CMV experience.

* * * * *

(a) * * *

(1) Has not simultaneously held more than one civilian license (in addition to a military license);

* * * * *

■ 4. Amend § 383.79 by revising the section heading and paragraph (b) and adding paragraphs (c) through (e) to read as follows:

§ 383.79 Skills testing of out-of-state students; knowledge test waivers for certain military personnel.

* * * * *

(b) *Knowledge test waivers for certain current or former military service members applying for a CLP or CDL*—(1) *In general.*—For certain current or former military service members, as defined in § 383.5, who meet the conditions and limitations set forth in paragraph (b)(2) of this section, a State may waive the requirement in § 383.23(a)(1) that a CDL applicant must pass a knowledge test for a CLP or CDL, including waiver of the knowledge required by § 383.111.

(2) *Conditions and limitations.*—A current or former military service member applying for waiver of the knowledge test described in paragraph (b)(1) of this section must certify and provide evidence that, during the 1-year period immediately prior to the application, he/she:

(i) Is or was regularly employed in a military position requiring operation of a CMV;

(ii) Is operating a vehicle representative of the CMV the driver applicant expects to operate upon separation from the military, or operated such a vehicle immediately preceding separation from the military;

(iii) Has not simultaneously held more than one civilian license (in addition to a military license);

(iv) Has not had any license suspended, revoked, or cancelled;

(v) Has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in § 383.51(b);

(vi) Has not had more than one conviction for any type of motor vehicle for serious traffic violations contained in § 383.51(c); and

(vii) Has not had any conviction for a violation of military, State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with any traffic accident, and has no record of an accident in which he/she was at fault.

(c) *Role of State of duty station.*—A State where active duty military service members are stationed, but not domiciled, may, upon prior agreement with the State of domicile:

(1) Accept an application for a CLP or CDL, including an application for waiver of the knowledge test prescribed in paragraph (b)(1)) of this section, from such a military service member who

(i) Is regularly employed or was regularly employed within the last year in a military position requiring operation of a CMV;

(ii) Has a valid driver's license from his or her State of domicile;

(iii) Has a valid active duty military identification card; and

(iv) Has a current copy of either the service member's military leave and earnings statement, or his or her orders.

(2) Either

(i) Administer the knowledge and skills tests to the military service member, as appropriate, in accordance with subparts F, G and H of this part, if the State of domicile requires those tests; or

(ii) Waive the knowledge and skills tests in accordance with § 383.77 and this section, if the State of domicile has exercised the option to waive those tests; and

(3) Destroy the military service member's driver's license on behalf of the State of domicile, unless the latter requires the driver's license to be surrendered to its own driver licensing agency.

(d*) Requirement for electronic transmission.*—The State of duty station must transmit to the State of domicile by a direct, secure, and efficient electronic system the completed application, any supporting documents, and—if the State of domicile has not exercised its waiver option—the results of any knowledge and skills administered.

(e) *Role of State of domicile.*—Upon completion of the applicant's application pursuant to § 383.71 and any testing administered by the State of duty station pursuant to §§ 383.71 and 383.73, the State of domicile of the military service member applying for a CLP or CDL may

(1) Accept the completed application, any supporting documents, and the results of the knowledge and skills tests administered by the State of duty station (unless waived at the discretion of the State of domicile); and

(2) Issue the applicant a CLP or CDL.

PART 384—STATE COMPLIANCE WITH COMMERCIAL DRIVER'S LICENSE PROGRAM

■ 5. The authority citation for part 384 is revised to read as follows:

Authority: 49 U.S.C. 31136, 31301 *et seq.,* and 31502; secs. 103 and 215 of Pub. L. 106–59, 113 Stat. 1753, 1767; sec. 32934 of Pub. L. 112–141, 126 Stat. 405, 830; sec. 5401 and 5524 of Pub. L. 114–94, 129 Stat. 1312, 1546, 1560; and 49 CFR 1.87.

■ 6. Add paragraph (l) to § 384.301 to read as follows:

§ 384.301 Substantial compliance general requirements.

* * * * *

(l) A State must come into substantial compliance with the requirements of subpart B of this part and part 383 of this chapter in effect as of [EFFECTIVE DATE OF FINAL RULE] as soon as practicable, but, unless otherwise specifically provided in this part, not later than [DATE 3 YEARS AFTER THE EFFECTIVE DATE OF THE FINAL RULE].

Issued under authority delegated in 49 CFR 1.87 on: June 6, 2017.

Daphne Y. Jefferson,

Deputy Administrator.

[FR Doc. 2017–12079 Filed 6–9–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 160728670–6904–01]

RIN 0648–BG23

Fisheries Off West Coast States; Highly Migratory Fisheries; California Drift Gillnet Fishery; Protected Species Hard Caps for the California/Oregon Large-Mesh Drift Gillnet Fishery

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

ACTION: Proposed rule; withdrawal.

SUMMARY: The National Marine Fisheries Service (NMFS) withdraws a proposed rule proposing to establish strict limits, termed ''hard caps,'' for the California/Oregon large-mesh drift gillnet (DGN) fishery on interactions with certain protected species under Magnuson-Stevens Fishery Conservation and Management Act authority. NMFS published the proposed rule in the **Federal Register** on October 13, 2016. After careful consideration, NMFS has decided that the proposed changes discussed in the proposed rule are not warranted at this time.

DATES: The proposed rule published on October 13, 2016 (81 FR 70660), is withdrawn as of June 12, 2017.

FOR FURTHER INFORMATION CONTACT: Lyle Enriquez, West Coast Region, NMFS, (562) 980–4025, *lyle.enriquez@noaa.gov.*

SUPPLEMENTARY INFORMATION: In September 2015, the Pacific Fishery Management Council (Council) recommended NMFS implement regulations for the DGN fishery that included two-year rolling hard caps on observed mortality and injury to certain protected species during the May 1 to January 31 fishing season each year. The Council transmitted its proposed regulations for implementing hard caps to NMFS on September 23, 2016. Under the proposed regulations, caps would have been established for five marine mammal species and four sea turtle species. When any of the caps were reached, the fishery would have been closed for the rest of the fishing season and possibly through the following season. The length of any closure would have depended on when during the two-year period a cap was reached.

NMFS published a proposed rule to implement the Council's recommendation to establish protected species hard caps in the **Federal Register** on October 13, 2016, (81 FR 70660). Supporting documents included a draft Environmental Assessment (EA), an Initial Regulatory Flexibility Analysis, and draft Regulatory Impact Review (RIR). During the proposed rule's comment period, NMFS received a request to extend the comment period. On November 23, 2016, NMFS published a notice in the **Federal Register** extending the end-date of the comment period for the proposed rule from November 28, 2016 to December 28, 2016 (81 FR 84546).

Following public comment, NMFS completed a final EA, Final Regulatory Flexibility Analysis, and RIR (posted at *https://www.regulations.gov/docket?D=NOAA-NMFS-2016-0123*). As a result of its analysis of the effects of the proposed rule, NMFS has decided that the changes covered in the proposed rule from 2016 are not warranted at this time. Therefore, NMFS is withdrawing the proposed rule published in the **Federal Register** on October 13, 2016 (81 FR 70660).

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

Dated: June 7, 2017.

Alan D. Risenhoover,

Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2017–12070 Filed 6–9–17; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 82, No. 111

Monday, June 12, 2017

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 7, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by July 12, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: APHIS Pest Reporting and Asian Longhorned Beetle Program.

OMB Control Number: 0579–0311.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701, *et seq.*), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants and plant pests to prevent the introduction of plant pests into the United States or their dissemination within the United States. Plant health regulations promulgated by the United States Department of Agriculture under this authority specifically address control programs for a number of pests and disease of concern, including Asian Longhorn Beetle (ALB), emerald ash borer (EAB) beetle, and citrus greening, to name a few. The Animal and Plant Health Inspection Service (APHIS) will collect information using form PPQ–10, Plant Protection and Quarantine Pest Reporting Form and PPQ form 375, Asian Longhorned Beetle Unified Survey and other information collection activities.

Need and Use of the Information: APHIS relies on the public to report sightings of the pests of concern or suspicious signs of pest or disease damage they may see in their local area. This reporting will be done through simple online forms PPQ–10, Plant Protection and Quarantine Pest Reporting Form and PPQ form 375, Asian Longhorned Beetle Unified Survey and the following additional information collection activities: (1) Cooperative Agreement for Inspection, (2) State Compliance Training Workshop Records, (3) Contract for Inspection, (4) Permission to Inspect from Homeowner, (5) Refusal to Inspect from Homeowner, (6) Chemical Treatment Release from Homeowner, (7) Letters Warning of Litigations and Warrants; (8) Litigations/Warrants; (9) Homeowner to Sign for Tree Removal, (10) Removals/Monitoring, (11) Contract for Treatment; (12) Removals/Disposal, (13) Disposal/Marshalling Yard, (14) Tree Warrant, and (15) Certificate/Permit Cancellation Appeal. Failing to collect this information could result in APHIS not receiving information about where infestations may exist, causing them to linger unreported and grow. Infestations of high-consequence pests or diseases, such as ALB, EAB, citrus greening, and others, could lead to significant economic damage to crops, forests, and landscapes.

Description of Respondents: Individuals or households; Business or other for-profit; State, Local or Tribal Government.

Number of Respondents: 7,055.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 438,779.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–12068 Filed 6–9–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Request for a New Information Collection; Generic Clearance for the Collection of Qualitative Feedback on Agency Programs

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to request feedback from the general public on the ''Generic Clearance for the Collection of Qualitative Feedback on Agency Programs''. This collection was developed as part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on service delivery. This notice announces our intent to submit this collection to OMB for approval and solicits comments on specific aspects for the proposed information collection.

DATES: Comments on this notice must be received by August 11, 2017 to be assured of consideration.

ADDRESSES:

- *Email: ombofficer@nass.usda.gov.* Include the docket number above in the subject line of the message.

- *Efax:* (855) 838–6382.
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.
- *Hand Delivery/Courier:* Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: R. Renee Picanso, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–4333. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS—OMB Clearance Officer, at (202) 690–2388 or at *omboffice@nass.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Programs.

OMB Control Number: 0535–NEW.

Type of Request: Intent to seek approval to conduct a new information collection for a period of three years.

Abstract: The proposed information collection activities provides a means to obtain qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving the quality and timeliness of survey data and its analysis. The qualitative feedback will provide useful insights on perceptions and opinions, but are not rigorous statistical surveys that yield quantitative results that can be generalized to the study population. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with data collection efforts, and focus attention on areas where communication, training or changes in operations might improve NASS surveys and publications. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders.

The information collections will target areas such as: Timeliness, usefulness of summarized information, perceptions of products or services, accuracy of information, efficiency and ease of reporting data, and the ease and understandability of data collection instruments. Responses will be assessed to plan and inform efforts to improve or maintain the quality of data collected and reported to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with NASS surveys or data, or may reasonably be expected to have experience with the surveys or data in the near future;
- Information gathered will be used only internally for improving data collection efforts, products and services, and the summarization and publication of data, and is not intended for release outside of the agency;
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the study population.

This generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Respondents: Farmers, ranchers, agri-businesses and data users.

Estimated Number of Respondents: 150,000.

Below we provide projected average estimates for the next three years:

Average Number of Responses per Respondent: 1.

Total Responses: 150,000 (30,000 completed responses and 120,000 refusals).

Frequency of Responses: Once per request.

Average Minutes per Response: 5 to 30 minutes, depending on the survey.

Total Estimated Burden Hours: 8,250.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, technological or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, May 31, 2017.

Hubert Hamer,

Administrator.

[FR Doc. 2017–12121 Filed 6–9–17; 8:45 am]

BILLING CODE 3410–20–P

BROADCASTING BOARD OF GOVERNORS

Government In the Sunshine Act Meeting Notice

DATE AND TIME: Wednesday, June 14, 2017, 12:00 p.m. EDT.

PLACE: Cohen Building, Room 3321, 330 Independence Ave. SW., Washington, DC 20237.

SUMMARY: The Broadcasting Board of Governors (Board) will be meeting at the time and location listed above. The Board will vote on a consent agenda consisting of the minutes of its April 6, 2017 meeting, a resolution honoring Voice of America's (VOA) Swahili Service 55th anniversary, a resolution honoring VOA's Afghanistan Service 35th anniversary, a resolution honoring VOA's Kurdish Service 25th anniversary, and a resolution honoring Radio Free Europe/Radio Liberty's North Caucasus 15th anniversary. The Board will receive a report from the

Chief Executive Officer and Director of BBG.

This meeting will be available for public observation via streamed webcast, both live and on-demand, on the agency's public Web site at *www.bbg.gov.* Information regarding this meeting, including any updates or adjustments to its starting time, can also be found on the agency's public Web site.

The public may also attend this meeting in person at the address listed above as seating capacity permits. Members of the public seeking to attend the meeting in person must register at *https://bbgboardmeeting june2017.eventbrite.com* by 12:00 p.m. (EDT) on June 13. For more information, please contact BBG Public Affairs at (202) 203–4400 or by email at *pubaff@bbg.gov.*

CONTACT PERSON FOR MORE INFORMATION: Persons interested in obtaining more information should contact Oanh Tran at (202) 203–4545.

Oanh Tran,

Director of Board Operations.

[FR Doc. 2017–12220 Filed 6–8–17; 4:15 pm]

BILLING CODE 8610–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Wisconsin Advisory Committee for a Meeting To Continue Discussion of a Draft Report Resulting From the Committee's Study of Hate Crime in the State

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Wisconsin Advisory Committee (Committee) will hold a meeting on Friday, June 16, 2017, at 12:00pm CST for the purpose of discussing a draft report regarding hate crime in the state, in preparation to issue a final report and recommendations to the Commission on the topic.

DATES: The meeting will be held on Friday June 16, 2017, at 12:00 p.m. CST.

ADDRESSES: Public call information: Dial: 800–310–1961, Conference ID: 8996601.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 800–310–1961, conference ID: 8996601. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Wisconsin Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=282*). Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Welcome and Roll Call
Announcements and Business Updates
Discussion of civil rights report: Hate Crime in Wisconsin
Future Plans and Actions: Civil Rights in Wisconsin
Public Comment
Adjournment

Exceptional Circumstance: Pursuant to the Federal Advisory Committee Management Regulations (41 CFR 102–3.150), the notice for this meeting is given less than 15 calendar days prior to the meeting due to exceptional circumstance of DFO/staffing transitions that require discussion with the Committee.

Dated: June 6, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–12028 Filed 6–9–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the District of Columbia Advisory Committee; Correction

AGENCY: Commission on Civil Rights.

ACTION: Notice; correction.

SUMMARY: The Commission on Civil Rights published a notice in the **Federal Register** of May 22, 2017, concerning a meeting of the District of Columbia Advisory Committee. The meeting now will be conducted via conference call; not in-person.

FOR FURTHER INFORMATION CONTACT: Ivy Davis, (202) 376–7533.

Correction

In the **Federal Register** of District of Columbia, in FR Doc. 2017–10412, on page 23185, correct the Summary to read:

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the District of Columbia Advisory Committee to the Commission will convene via conference call at 11:30 a.m. EDT on Tuesday, June 13, 2017. Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–877–723–9523 and conference call ID: 3424799#.

Dated: June 6, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Coordination Unit.

[FR Doc. 2017–12026 Filed 6–9–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–201–846]

Countervailing Duty Suspension Agreement on Sugar From Mexico: Rescission of 2014–2015 and 2015–2016 Administrative Reviews

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

SUMMARY: On May 1, 2017, the Department notified the Government of Mexico (GOM) of its intent to terminate the Agreement Suspending the Antidumping Duty Investigation on sugar from Mexico (CVD Agreement) unless a new agreement was reached on or before June 5, 2017. The Department subsequently modified its notice of intent to terminate the CVD Agreement, stating its continued intent to terminate the CVD Agreement unless an amended agreement was reached on or before June 6, 2017. Because the Department intends to terminate the CVD Agreement, or, in the alternative, amend the CVD Agreement prior to the expiration of the termination period, the two ongoing administrative reviews of the original CVD Agreement are now moot, and the Department is rescinding both reviews.

DATES: Effective June 5, 2017.

FOR FURTHER INFORMATION CONTACT: Sally C. Gannon or David Cordell, Enforcement & Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–0162 or (202) 482–0408.

SUPPLEMENTARY INFORMATION:

Background

Investigation and Issuance of the CVD Agreement

On April 17, 2014, the Department initiated a countervailing duty investigation under section 702 of the Tariff Act of 1930, as amended (the Act), to determine whether manufacturers, producers, or exporters of sugar from Mexico receive countervailable subsidies.[1] On August 25, 2014, the Department preliminarily determined that countervailable subsidies were being provided to producers and exporters of sugar from Mexico and aligned the final countervailing duty determination with the final antidumping duty determination.[2]

On December 19, 2014, the Department and the GOM signed the CVD Agreement, which suspended the CVD investigation.[3] The basis for this action was an agreement between the Department and the GOM, wherein the GOM agreed to restrict the volume of direct or indirect exports to the United States of sugar from all Mexican producers/exporters in order to eliminate completely the injurious effects of exports of this merchandise to the United States. The GOM also agreed not to provide any new or additional export or import substitution subsidies on the subject merchandise.

On January 8, 2015, Imperial Sugar Company (Imperial) and AmCane Sugar LLC (AmCane) each notified the Department that they had petitioned the International Trade Commission (ITC) to conduct a review of the CVD Agreement under section 704(h) of the Act to determine whether the injurious effects of the imports of the subject merchandise are eliminated completely by the CVD Agreement. On March 19, 2015, in a unanimous vote, the ITC found that the CVD Agreement eliminated completely the injurious effects of imports of sugar from Mexico.[4] As a result of the ITC's determination, the CVD Agreement remained in effect, and on March 27, 2015, the Department, in accordance with section 704(h)(3) of the Act, instructed U.S. Customs and Border Protection (CBP) to terminate the suspension of liquidation of all entries of sugar from Mexico and refund all cash deposits.

Notwithstanding issuance of the CVD Agreement, pursuant to requests by domestic interested parties, the Department continued its investigation and made an affirmative final determination that countervailable subsidies were being provided to exporters and producers of sugar from Mexico.[5] In its *Final Determination,* the Department calculated countervailable subsidy rates of 43.93 percent for Fondo de Empresas Expropiadas del Sector Azucarero (FEESA), 5.78 percent for Ingenio Tala S.A. de C.V. and certain affiliated sugar mills of Grupo Azucarero Mexico S.A. de C.V. (collectively, the GAM Group), and 38.11 percent for producers and exporters that were not individually investigated. The Department stated, in its *Final Determination,* that it would ''not instruct CBP to suspend liquidation or collect cash deposits calculated herein unless the {CVD}Suspension Agreement is terminated.'' [6] The ITC subsequently made an affirmative determination of material injury to an industry in the United States by reason of imports of sugar from Mexico.[7]

Reviews

On February 9, 2016, at the request of the American Sugar Coalition and its Members (ASC),[8] Imperial, and AmCane, the Department initiated an administrative review of the CVD Agreement to examine, pursuant to for the period of review from December 19, 2014 through November 30, 2015 [9] to examine the status of, and compliance with, the CVD Agreement,[10] as well as whether suspension of the CVD Agreement is in the ''public interest,'' including the availability of supplies of sugar in the U.S. market, and whether ''effective monitoring'' is practicable.[11] On December 5, 2016, the Department published its preliminary results of its administrative review of the CVD Agreement.[12] In its *Preliminary Results,* the Department determined that there is some indication that certain individual transactions of subject merchandise may

[1] *See Sugar from Mexico: Initiation of Countervailing Duty Investigation,* 79 FR 22790 (April 24, 2014).

[2] *See Sugar from Mexico: Preliminary Affirmative Countervailing Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination,* 79 FR 51956 (September 2, 2014) (*Preliminary Determination*).

[3] *See Sugar From Mexico: Suspension of Countervailing Duty Investigation,* 79 FR 78044 (December 29, 2014).

[4] *See Sugar from Mexico; Determinations,* 80 FR 16426 (March 27, 2015).

[5] *See Sugar From Mexico: Continuation of Antidumping and Countervailing Duty Investigations,* 80 FR 25278 (May 4, 2015); *Sugar From Mexico: Final Affirmative Countervailing Duty Determination,* 80 FR 57337 (September 23, 2015) (*Final Determination*).

[6] *Final Determination,* 80 FR at 57338.

[7] *See Sugar From Mexico,* 80 FR 70833 (November 16, 2015) (*Final ITC Determination*).

[8] The members of the American Sugar Coalition are: American Sugar Cane League, American Sugarbeet Growers Association, American Sugar Refining, Inc., Florida Sugar Cane League, Rio Grande Valley Sugar Growers, Inc., Sugar Cane Growers Cooperative of Florida, and the United States Beet Sugar Association.

[9] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 81 FR 6832 (February 9, 2016) (2014–2015 Administrative Review). On March 16, 2016, the Department expanded the period of review for the CVD Agreement from December 19, 2014, through December 31, 2014, to include calendar year 2015. As such, the period of review for the instant review is December 19, 2014, through December 31, 2015. See Memorandum to Lynn Fischer Fox entitled ''First Administrative Review of the Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico: Extending the Period of Review'' (March 16, 2016).

[10] *See* section 751(a)(1)(C) of the Act.

[11] *See* section IV of the CVD Agreement.

[12] *See Suspension Agreement on Sugar From Mexico; Administrative Review of the Agreement Suspending the Countervailing Duty Investigation on Sugar From Mexico,* 81 FR 87539 (December 5, 2016) (*Preliminary Results*).

not be in compliance with the terms of the CVD Agreement, and further, that the CVD Agreement may no longer be meeting all of the statutory requirements, as set forth in sections 704(c) and (d) of the Act.

On February 13, 2017, at the request of interested parties ASC, Imperial, and Zucarmex S.A. de C.V. (Zucarmex), the Department initiated an administrative review of the CVD Agreement for the period January 1, 2016 through December 31, 2016.[13]

On May 1, 2017, the Department notified the GOM of its intent to terminate the CVD Agreement pursuant to Section XI.B of the CVD Agreement, unless the parties reached agreement upon resolution of the outstanding issues with the current agreement on or before June 5, 2016.[14] On June 5, 2017, the Department notified the GOM that it was extending the period within which to reach an agreement until June 6, 2017.[15]

Scope of CVD Agreement

The product subject to the CVD Agreement is raw and refined sugar of all polarimeter readings derived from sugar cane or sugar beets. The covered merchandise is classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 1701.12.1000, 1701.12.5000, 1701.13.1000, 1701.13.5000, 1701.14.1000, 1701.14.5000, 1701.91.1000, 1701.91.3000, 1701.99.1010, 1701.99.1025, 1701.99.1050, 1701.99.5010, 1701.99.5025, 1701.99.5050, and 1702.90.4000.

See Appendix I for the full description of merchandise covered by the CVD Agreement.

Period of Administrative Reviews

The POR of the first administrative review is December 19, 2014 through December 31, 2015 and the POR of the second administrative review is January 1, 2016 through December 31, 2016.

Rescission of Administrative Reviews

The Department has indicated its intent to terminate the CVD Agreement, unless an amended agreement can be reached.[16] Accordingly, the questions of the status of, and compliance, with the CVD Agreement, whether suspension of the CVD Agreement is in the ''public interest,'' including the availability of supplies of sugar in the U.S. market, and whether ''effective monitoring'' is practicable have been rendered moot because either the CVD Agreement will be amended and suspension of the investigation will be continued with the Department's issuance of a final amendment to the CVD Agreement, or the CVD Agreement will be terminated, per the May 1, 2017 notice of intent to terminate, as modified by its June 5, 2017 letter.[17] Therefore, the Department is rescinding the 2014–2015 and 2015–2016 administrative reviews of the CVD Agreement.

Notification to Interested Parties

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this notice in accordance with sections 704(f), 751(a)(1) and 777(i)(1) of the Act.

Dated: June 6, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I: Scope of the CVD Agreement

The product covered by the CVD Agreement is raw and refined sugar of all polarimeter readings derived from sugar cane or sugar beets. The chemical sucrose gives sugar its essential character. Sucrose is a nonreducing disaccharide compo15)10sed of glucose and fructose linked by a glycosidic bond via their anomeric carbons. The molecular formula for sucrose is $C_{12}H_{22}O_{11}$; the International Union of Pure and Applied Chemistry (IUPAC) International Chemical Identifier (InChl) for sucrose is 1S/C12H22O11/c13-l-4-6(16)8(18)9(19)11(21-4)23-12(3-15)10(20)7(17)5(2-14)22-12/h4-11,13-20H,1-H2/t4-,5-,6-,7-,8+,9-,10+,11-,12+/m1/s1; the InChl Key for sucrose is CZMRCDWAGMRECN-UGDNZRGBSA-N; the U.S. National Institutes of Health PubChem Compound Identifier (CID) for sucrose is 5988; and the Chemical Abstracts Service (CAS) Number of sucrose is 57–50–1.

Sugar described in the previous paragraph includes products of all polarimeter readings described in various forms, such as raw sugar, estandar or standard sugar, high polarity or semi-refined sugar, special white sugar, refined sugar, brown sugar, edible molasses, desugaring molasses, organic raw sugar, and organic refined sugar. Other sugar products, such as powdered sugar, colored sugar, flavored sugar, and liquids and syrups that contain 95 percent or more sugar by dry weight are also within the scope of the order.

The scope of the order does not include (1) sugar imported under the Refined Sugar Re-Export Programs of the U.S. Department of Agriculture;[18] (2) sugar products produced in Mexico that contain 95 percent or more sugar by dry weight that originated outside of Mexico; (3) inedible molasses (other than inedible desugaring molasses noted above); (4) beverages; (5) candy; (6) certain specialty sugars; and (7) processed food products that contain sugar (*e.g.,* cereals). Specialty sugars excluded from the scope of the order are limited to the following: caramelized slab sugar candy, pearl sugar, rock candy, dragees for cooking and baking, fondant, golden syrup, and sugar decorations.

Merchandise covered by the CVD Agreement is typically imported under the following headings of the HTSUS: 1701.12.1000, 1701.12.5000, 1701.13.1000, 1701.13.5000, 1701.14.1000, 1701.14.5000, 1701.91.1000, 1701.91.3000, 1701.99.1010, 1701.99.1025, 1701.99.1050, 1701.99.5010, 1701.99.5025, 1701.99.5050, and 1702.90.4000. The tariff classification is provided for convenience and customs purposes; however, the written description of the scope of the order is dispositive.

[FR Doc. 2017–12116 Filed 6–9–17; 8:45 am]

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[13] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 10457 (February 13, 2017) (2015–2016 Administrative Review).

[14] *See* Letter from Ronald Lorentzen to Aristeo Lopez, ''Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico'' (May 1, 2017) (May 1, 2017 letter).

[15] *See* Letter from Ronald Lorentzen to Aristeo Lopez, ''Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico'' (June 5, 2017) (June 5, 2017 letter).

[16] *See* May 1, 2017 letter, as modified by the June 5, 2017 letter.

[17] *See* May 1, 2017 Letter. Thus, if no amendment is finalized, the administrative reviews will be moot for the alternative reason that the CVD Agreement has been terminated.

[18] This exclusion applies to sugar imported under the Refined Sugar Re-Export Program, the Sugar-Containing Products Re-Export Program, and the Polyhydric Alcohol Program administered by the U.S. Department of Agriculture.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–819]

Steel Concrete Reinforcing Bar From the Republic of Turkey: Final Results and Partial Rescission of Countervailing Duty Administrative Review; 2014

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

SUMMARY: The Department of Commerce (the Department) has completed its administrative review of the countervailing duty (CVD) order on steel concrete reinforcing bar (rebar) from the Republic of Turkey (Turkey). The period of review (POR) is September 15, 2014,

through December 31, 2014. This review covers 12 producers/exporters of subject merchandise, two of which the Department selected for individual examination: Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S. (Icdas) and Kaptan Demir Celik Endustrisi ve Ticaret A.S. and Kaptan Metal Dis Ticaret ve Nakliyat A.S. (Kaptan Demir Companies) (collectively, the mandatory respondents). The ten firms that were not individually examined are included in the chart under the Final Results of Review section, below.

We find that the mandatory respondents each received a *de minimis* net subsidy rate during the POR. *See* ''Final Results of Review'' section of this notice below for the rates calculated for the companies covered in this review.

DATES: Effective June 12, 2017.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson (Icdas) and Samuel Brummitt (Kaptan Demir Companies), AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–4793, and (202) 482–7851, respectively.

Scope of the Order

The scope of the order consists of steel concrete reinforcing bar imported in either straight length or coil form (rebar) regardless of metallurgy, length, diameter, or grade. The subject merchandise is classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) primarily under item numbers 7213.10.0000, 7214.20.0000, and 7228.30.8010. The subject merchandise may also enter under other HTSUS numbers including 7215.90.1000, 7215.90.5000, 7221.00.0015, 7221.00.0030, 7221.00.0045, 7222.11.0001, 7222.11.0057, 7222.11.0059, 7222.30.0001, 7227.20.0080, 7227.90.6085, 7228.20.1000, and 7228.60.6000. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this *Order* is dispositive.[1]

Analysis of Comments Received

All issues raised in interested parties' briefs are addressed in the Issues and Decision Memorandum. A list of the issues raised by interested parties and to which we responded in the Issues and Decision Memorandum is provided in the Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Methodology

The Department conducted this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we determine that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[2] For a full description of the methodology underlying all of the Department's conclusions, *see* the Issues and Decision Memorandum.

Partial Rescission of Review

Entries of merchandise produced and exported by Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. (Habas) are not subject to countervailing duties because the Department's final determination with respect to this producer/exporter combination was negative.[3] However, as stated in the *Initiation Notice,* any entries of merchandise produced by any other entity and exported by Habas, or produced by Habas and exported by another entity, are subject to the *Order.*[4]

Because there is no evidence on the record of entries of merchandise produced by another entity and exported by Habas, or entries of merchandise produced by Habas and exported by another entity, we determine that Habas is not subject to this administrative review. Therefore, pursuant to 19 CFR 351.213(d)(3), we are rescinding the review with respect to Habas.

Final Results of Review

In accordance with 19 CFR 351.221(b)(5), we determine the following net countervailable subsidy rates for the period September 15, 2014, through December 31, 2014:

Company	Subsidy rate ad valorem (percent)
Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S	* 0.01
Kaptan Demir Celik Endustrisi ve Ticaret A.S. and Kaptan Metal Dış Ticaret ve Nakliyat A.S	* 0.02
3212041 Canada Inc	0.00
Acemar International Limited	0.00
As Gaz Sinai ve Tibbi Azlar A.S	0.00
Colakoglu Dis Ticaret A.S. (also known as Colakoglu Disticaret AS)	0.00
Colakoglu Metalurji A.S	0.00
Del Industrial Metals	0.00
Izmir Demir Celik Sanayi A.S	0.00
Ozkan Demir Celik Sanayi A.S	0.00
Tata Steel International (Hong Kong) Limited (also known as Tata Steel International (Hong Kong))	0.00

[1] *See Steel Concrete Reinforcing Bar from the Republic of Turkey: Countervailing Duty Order,* 79 FR 65926 (November 6, 2014) (the *Order*). For a full description of the scope of this order *see* Memorandum, ''Decision Memorandum for Final Results of Countervailing Duty 2014 Administrative Review: Steel Concrete Reinforcing Bar from the Republic of Turkey,'' dated concurrently with, and hereby adopted by this notice (Issues and Decision Memorandum).

[2] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[3] *See Steel Concrete Reinforcing Bar from the Republic of Turkey: Final Affirmative Countervailing Duty Determination Final Affirmative Critical Circumstances Determination,* 79 FR 54963, 54964 (September 15, 2014).

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 81 FR 736, 740 (at footnote 4) (January 7, 2016) (*Initiation Notice*).

[5] The name of Tata Steel UK was incorrectly spelled in the *Initiation Notice.* The company's name was inadvertently listed as ''Tata Steel U.'' *See Initiation Notice,* 81 FR at 740.

Company	Subsidy rate ad valorem (percent)
Tata Steel UK [5]	0.00

* *de minimis.*

In accordance with the U.S. Court of Appeals for the Federal Circuit's decision in *Albemarle Corp.* v. *United States,*[6] we are applying to the non-selected companies the rates calculated for the mandatory respondents, which are *de minimis.*

Disclosure

We will disclose to the parties in this proceeding the calculations performed for these final results within five days of the date of publication of this notice in the **Federal Register**.[7]

Assessment and Cash Deposit Requirements

In accordance with 19 CFR 351.212(b)(2), the Department intends to issue assessment instructions to U.S. Customs and Border Protection (CBP) 15 days after the date of publication of these final results of review to liquidate shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after September 15, 2014, through December 31, 2014, without regard to countervailing duties because a *de minimis* subsidy rate was determined for each of the above listed companies.

The Department also intends to instruct CBP to collect cash deposits of zero percent for each company listed on shipments of the subject merchandise entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to collect cash deposits of estimated countervailing duties at the most recent company-specific or all others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Return or Destruction of Proprietary Information

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these final results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, 19 CFR 351.213(d)(4) and 19 CFR 351.221(b)(5).

Dated: June 6, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

APPENDIX

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. List of Comments
IV. Scope of the Order
V. Subsidies Valuation Information
VI. Analysis of Programs
A. Programs Determined To Be Countervailable
1. Rediscount Program
2. Assistance To Offset Costs Related To AD/CVD Investigations
B. Programs Determined To Not Be Countervailable
1. Purchase of Electricity for More Than Adequate Remuneration (MTAR)—Sales on the Grid
2. Purchase of Electricity for MTAR—Sales to Public Buyers
C. Program Determined To Not Be Countervailable For a Respondent
1. Provision of Natural Gas for Less Than Adequate Remuneration (LTAR)
D. Programs Determined To Not Confer Countervailable Benefits
1. Reduction and Exemption of Licensing Fees for Renewable Resource Power Plants
2. Investment Incentive Certificates
E. Programs Determined To Not Be Used
1. Purchase of Electricity for MTAR—Sales *via* Build-Operate-Own, Build-Operate-Transfer, and Transfer of Operating Rights Contracts
2. Provision of Lignite for LTAR
3. Purchase of Electricity Generated From Renewable Resources for MTAR
4. Deductions From Taxable Income for Export Revenue
5. Research and Development Grant Program
6. Export Credits, Loans, and Insurance From Turk Eximbank
a. Pre-Shipment Export Credits
b. Foreign Trade Company Export Loans
c. Pre-Export Credits
d. Short-Term Export Credit Discount Program
e. Export Insurance
7. Regional Investment Incentives
a. Value Added Tax (VAT) and Customs Duty Exemptions
b. Income Tax Reductions
c. Social Security Support
d. Land Allocation
8. Large-Scale Investment Incentives
a. VAT and Customs Duty Exemptions
b. Tax Reduction
c. Income Tax Withholding Allowance
d. Social Security and Interest Support
e. Land Allocation
9. Strategic Investment Incentives
a. VAT and Customs Duty Exemptions
b. Tax Reduction
c. Income Tax Withholding Allowance
d. Social Security and Interest Support
e. Land Allocation
f. VAT Refunds
10. Incentives for Research & Development (R&D) Activities
a. Tax Breaks and Other Assistance
b. Product Development R&D Support—UFT
11. Regional Development Subsidies
a. Provision of Land for LTAR
b. Provision of Electricity for LTAR
c. Withholding of Income Tax on Wages and Salaries
d. Exemption From Property Tax
e. Employers' Share in Insurance Premiums
f. Preferential Tax Benefits for Turkish Rebar Producers Located in Free Zones
g. Preferential Lending to Turkish Rebar Producers Located in Free Zones
h. Exemptions From Foreign Exchange Restrictions to Turkish Rebar Producers Located in Free Zones
i. Preferential Rates for Land Rent and Purchase to Turkish Rebar Producers Located in Free Zones
VII. Analysis of Comments
Comment 1: Whether the Purchase of Electricity for MTAR Is Countervailable
Comment 2: Whether the Department Should Countervail the Provision of Lignite for LTAR
Comment 3: Whether the Department Should Countervail the Provision of Natural Gas for LTAR
Comment 4: Whether the Assistance to Offset Costs Related to AD/CVD Investigation Is Countervailable
Comment 5: Whether the Department Should Have Required a Response From Kaptan Demir's Cross-Owned Power Producer
VIII. Conclusion

[FR Doc. 2017–12108 Filed 6–9–17; 8:45 am]

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[6] *See Albemarle Corp.* v. *United States,* 821 F.3d 1345 (Fed. Cir. May 2, 2016).

[7] *See* 19 CFR 351.224(b).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–809]

Circular Welded Non-Alloy Steel Pipe From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2014–2015

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

SUMMARY: On December 9, 2016, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on circular welded non-alloy steel pipe (CWP) from the Republic of Korea (Korea). This review covers one mandatory respondent, Husteel Co., Ltd. (Husteel) and three companies not selected for individual examination, which are listed in the chart under the Finals Results of Review section below. Based on our analysis of the comments received, we continue to find that subject merchandise has been sold at less than normal value.

DATES: Effective June 12, 2017.

FOR FURTHER INFORMATION CONTACT: Joseph Shuler, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–1293.

SUPPLEMENTARY INFORMATION:

Background

On December 9, 2016, the Department published the *Preliminary Results* in the **Federal Register**.[1] The period of review (POR) is November 1, 2014, through October 31, 2015. We invited interested parties to comment on the *Preliminary Results* and received case and rebuttal briefs from interested parties.[2] The Department conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise subject to the order is circular welded non-alloy steel pipe and tube. Imports of the product are currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, and 7306.30.5090. While the HTSUS subheadings are provided for convenience and customs purposes, the written description is dispositive. A full description of the scope of the order is contained in the Issues and Decission Memorandum.[3]

Final Determination of No Shipments

In the *Preliminary Results,* we preliminarily determined that Hyundai had no reviewable transactions during the POR. We continue to find that Hyundai had no reviewable entries during the POR.[4]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this review are addressed in the Issues and Decision Memorandum. A list of the issues raised 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 *http://access.trade.gov,* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://trade.gov/enforcement.*

Changes From the Preliminary Results

Based on our analysis of the comments received, we have made certain changes for Husteel since the *Preliminary Results.* Specifically, we have recalculated Husteel's theoretical weight and corrected several ministerial errors. For further details on the changes we made for these final results, *see* the Issues and Decision Memorandum and the final analysis memorandum for Husteel dated concurrently with this notice.[5]

Final Results of Review

As a result of this review, we determine that the following weighted-average dumping margins exist for the firms listed below for the period November 1, 2014, through October 31, 2015.

Producer or exporter	Weighted-average dumping margins (percent)
Husteel Co., Ltd	1.20
AJU Besteel	1.20
NEXTEEL	1.20
SeAH Steel Corporation	1.20

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), the Department has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. For Husteel, the company we selected for individual examination, we calculated an importer-specific assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).[6]

For entries of subject merchandise during the POR produced by Husteel or Hyundai for which they did not know their merchandise was destined for the United States, we will instruct CBP to liquidate such unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

For AJU Besteel, NEXTEEL, and SeAH Steel Corporation (the companies not selected for individual examination), we will instruct CBP to apply the rate assigned to them in the final results of this review to all entries of subject merchandise produced and/or exported by these companies.

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of these reviews.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of this administrative review for all

[1] *See Circular Welded Non-Alloy Steel Pipe from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2014–2015,* 81 FR 89059 (December 9, 2016) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum.

[2] *See* case briefs filed by Husteel Co., Ltd. (Husteel) and Wheatland Tube Company (Wheatland) on January 13, 2017, and rebuttal briefs filed by Husteel and Hyundai Steel Company (Hyundai) on January 25, 2017.

[3] For a full description of the scope of the order, *see* ''Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review of Circular Welded Non-Alloy Steel Pipe from the Republic of Korea: 2014–2015,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum) at 2–3.

[4] *See* the Issues and Decision Memorandum at Comment 2 for a full explanation of our analysis.

[5] *See* the Memorandum, ''Circular Welded Non-Alloy Steel Pipe from the Republic of Korea: Final Analysis Memorandum for Husteel Co., Ltd.,'' dated concurrently with this notice.

[6] In these final results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

shipments of CWP from Korea entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for the companies listed above will be equal to the weighted-average dumping margins established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer has been covered in a prior complete segment of this proceeding, the cash deposit rate will be the rate established for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 4.80 percent, the ''all others'' rate established in the order.[7] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

[7] *See Notice of Antidumping Duty Orders: Certain Circular Welded Non-Alloy Steel Pipe from Brazil, the Republic of Korea (Korea), Mexico, and Venezuela, and Amendment to Final Determination of Sales at Less Than Fair Value: Certain Circular Welded Non-Alloy Steel Pipe from Korea,* 57 FR 49453 (November 2, 1992).

This notice is published in accordance with section 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: June 6, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Issues
  Comment 1: Theoretical Weight
  Comment 2: Hyundai's Claim of No Shipment
  Comment 3: Reporting Period for U.S. and Comparison Market Sales
  Comment 4: Programming Codes for Mixed Currencies
  Comment 5: Classification of Comparison Market Credit Expenses
VI. Recommendation

[FR Doc. 2017–12105 Filed 6–9–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

United States Travel and Tourism Advisory Board: Meeting of the United States Travel and Tourism Advisory Board

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The United States Travel and Tourism Advisory Board (Board or TTAB) will hold an open meeting via teleconference on Wednesday, June 28, 2017. The Board advises the Secretary of Commerce on matters relating to the U.S. travel and tourism industry. The purpose of the meeting is for Board members to deliberate on and potentially adopt a letter to the Secretary containing recommendations related to the importance of international travel and tourism to the United States. The final agenda will be posted on the Department of Commerce Web site for the Board at *http://trade.gov/ttab,* at least one week in advance of the meeting.

DATES: Wednesday, June 28, 2017, 1:00 p.m.–2:00 p.m. EDT. The deadline for members of the public to register, including requests for auxiliary aids, or to submit written comments for dissemination prior to the meeting, is 5:00 p.m. EDT on June 21, 2017.

ADDRESSES: The meeting will be held via conference call. The call-in number and passcode will be provided by email to registrants. Requests to register (including for auxiliary aids) and any written comments should be submitted to: U.S. Travel and Tourism Advisory Board, National Travel and Tourism Office, U.S. Department of Commerce, 1401 Constitution Ave. NW., Room 10003, Washington, DC 20230, or by email to *TTAB@trade.gov.* Members of the public are encouraged to submit registration requests and written comments via email to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT: Brian Beall, the United States Travel and Tourism Advisory Board, National Travel and Tourism Office, U.S. Department of Commerce, 1401 Constitution Ave. NW., Room 10003, Washington, DC 20230; telephone: 202–482–5634, email: *TTAB@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Board advises the Secretary of Commerce on matters relating to the U.S. travel and tourism industry.

Public Participation: The meeting will be open to the public and will be accessible to people with disabilities. Any member of the public requesting to join the meeting is asked to register to register in advance by the deadline identified under the **DATES** caption. Requests for auxiliary aids must be submitted by the registration deadline. There will be fifteen (15) minutes allotted for oral comments from members of the public joining the meeting. To accommodate as many speakers as possible, the time for public comments may be limited to three (3) minutes per person. Members of the public wishing to reserve speaking time during the meeting must submit a request at the time of registration, as well as the name and address of the proposed speaker. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to submit a written copy of their prepared remarks by 5 p.m. EDT on Wednesday, June 21, 2017, for inclusion in the meeting records and for circulation to the members of the Board.

In addition, any member of the public may submit pertinent written comments concerning the Board's affairs at any time before or after the meeting. Comments may be submitted to Brian Beall at the contact information indicated above. To be considered

during the meeting, comments must be received no later than 5 p.m. EDT on Wednesday, June 21, 2017, to ensure transmission to the Board prior to the meeting. Comments received after that date and time will be distributed to the members but may not be considered during the meeting. Copies of Board meeting minutes will be available within 90 days of the meeting.

Dated: June 6, 2017.

Brian Beall,

Executive Secretary, United States Travel and Tourism Advisory Board.

[FR Doc. 2017–12047 Filed 6–9–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–900]

Diamond Sawblades and Parts Thereof From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2014–2015

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

SUMMARY: On December 9, 2016, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on diamond sawblades and parts thereof (diamond sawblades) from the People's Republic of China (the PRC). The period of review (POR) is November 1, 2014, through October 31, 2015. For the final results, we continue to find that certain companies covered by this review made sales of subject merchandise at less than normal value.

DATES: Effective June 12, 2017.

FOR FURTHER INFORMATION CONTACT: Yang Jin Chun or Bryan Hansen, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5760 and (202) 482–3683, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 9, 2016, the Department published the preliminary results of the administrative review of the antidumping duty order on diamond sawblades from the PRC.[1] We received case and rebuttal briefs with respect to the *Preliminary Results.* The deadline for the final results of this review is June 7, 2017. We conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise subject to the order is diamond sawblades. The diamond sawblades subject to the order are currently classifiable under subheadings 8202 to 8206 of the Harmonized Tariff Schedule of the United States (HTSUS), and may also enter under subheading 6804.21.00. The HTSUS subheadings are provided for convenience and customs purposes. A full description of the scope of the order is contained in the Issues and Decision Memorandum.[2] The written description is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum. A list of the issues raised 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 *http://access.trade.gov* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Enforcement and Compliance Web site at *http://enforcement.trade.gov/frn/index.html.*

Final Determination of No Shipments

We preliminarily found that Danyang City Ou Di Ma Tools Co., Ltd., Danyang Tsunda Diamond Tools Co., Ltd., Qingdao Hyosung Diamond Tools Co., Ltd., Qingdao Shinhan Diamond Industrial Co., Ltd., and Shanghai Starcraft Tools Co., Ltd., which have been eligible for separate rates in previous segments of the proceeding and are subject to this review, did not have any reviewable entries of subject merchandise during the POR.[3] After the *Preliminary Results,* we received no comments or additional information with respect to these five companies. Therefore, for the final results, we continue to find that these five companies did not have any reviewable entries of subject merchandise during the POR. Consistent with our practice, we will issue appropriate instructions to U.S. Customs and Border Protection (CBP) based on our final results.

Separate Rates

The Department preliminarily determined that 24 respondents are eligible to receive separate rates in this review.[4] We made no changes to these determinations for the final results.

Changes Since the Preliminary Results

We made revisions to the *Preliminary Results* following our findings in the verification of Bosun Tools Co., Ltd.'s U.S. sales.

Final Results of the Review

As a result of this administrative review, we determine that the following weighted-average dumping margins exist for the period November 1, 2014, through October 31, 2015:

Company	Margin (percent)
Bosun Tools Co., Ltd	6.19
Chengdu Huifeng Diamond Tools Co., Ltd	6.19
Danyang Hantronic Import & Export Co., Ltd	6.19
Danyang Huachang Diamond Tools Manufacturing Co., Ltd	6.19
Danyang Like Tools Manufacturing Co., Ltd	6.19
Danyang NYCL Tools Manufacturing Co., Ltd	6.19
Danyang Weiwang Tools Manufacturing Co., Ltd	6.19

[1] *See Diamond Sawblades and Parts Thereof from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2014–2015,* 81 FR 89045 (December 9, 2016) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See* the Memorandum, ''Issues and Decision Memorandum for the Administrative Review of the Antidumping Duty Order on Diamond Sawblades and Parts Thereof from the People's Republic of China,'' (Issues and Decision Memorandum) dated concurrently with and hereby adopted by this notice, at 4.

[3] *See Preliminary Results,* 81 FR at 89045, n.2, and accompanying Preliminary Decision Memorandum at 3.

[4] *See Preliminary Results,* 81 FR at 89045, n.6, and accompanying Preliminary Decision Memorandum at 4–8.

Company	Margin (percent)
Guilin Tebon Superhard Material Co., Ltd	6.19
Hangzhou Deer King Industrial and Trading Co., Ltd	6.19
Hangzhou Kingburg Import & Export Co., Ltd	6.19
Huzhou Gu's Import & Export Co., Ltd	6.19
Jiangsu Fengtai Single Entity [5]	82.05
Jiangsu Inter-China Group Corporation	6.19
Jiangsu Youhe Tool Manufacturer Co., Ltd	6.19
Qingyuan Shangtai Diamond Tools Co., Ltd	6.19
Quanzhou Zhongzhi Diamond Tool Co., Ltd	6.19
Rizhao Hein Saw Co., Ltd	6.19
Saint-Gobain Abrasives (Shanghai) Co., Ltd	6.19
Shanghai Jingquan Industrial Trade Co., Ltd	6.19
Sino Tools Co., Ltd	6.19
Weihai Xiangguang Mechanical Industrial Co., Ltd	6.19
Wuhan Wanbang Laser Diamond Tools Co., Ltd [6]	6.19
Xiamen ZL Diamond Technology Co., Ltd	6.19
Zhejiang Wanli Tools Group Co., Ltd	6.19

Assessment

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b), the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[7] For a customer or importer of Bosun Tools Co., Ltd., we have calculated a customer/importer-specific ad valorem antidumping duty assessment rate in accordance with 19 CFR 351.212(b)(1).

For the Jiangsu Fengtai Single Entity, we will instruct CBP to apply an antidumping duty assessment rate of 82.05 percent to all entries of subject merchandise that entered the United States during the POR. For all non-selected respondents that received a separate rate, we will instruct CBP to apply an antidumping duty assessment rate of 6.19 percent [8] to all entries of subject merchandise that entered the United States during the POR. For all other companies, we will instruct CBP to apply the antidumping duty assessment rate of the PRC-wide entity, 82.05 percent, to all entries of subject merchandise exported by these companies.[9]

For entries that were not reported in the U.S. sales databases submitted by Bosun Tools Co., Ltd., the Department will instruct CBP to liquidate such entries at the PRC-wide rate. In addition, for the five companies that we determined had no reviewable entries of the subject merchandise in this review period, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the PRC-wide rate.

We intend to issue assessment instructions to CBP 15 days after the date of publication of the final results of review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date as provided by section 751(a)(2)(C) of the Act: (1) For subject merchandise exported by the companies listed above that have separate rates, the cash deposit rate will be the rate established in these final results of review for each exporter as listed above; (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity; (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

These final results of review are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: June 6, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

I. Summary
II. Background
III. Scope of the Order
IV. Surrogate Country
V. Separate Rates
VI. Discussion of the Issues
a. Adverse Facts Available

[5] We continue to treat Jiangsu Fengtai Diamond Tool Manufacture Co., Ltd., Jiangsu Fengtai Tools Co., Ltd., and Jiangsu Fengtai Sawing Industry Co., Ltd., as a single entity. *See Preliminary Results,* 81 FR at 89046, and accompanying Preliminary Decision Memorandum at 2, n.4 for details.

[6] Wuhan Wanbang Laser Diamond Tools Co., Ltd., is the successor-in-interest to Wuhan Wanbang Laser Diamond Tools Co. *See Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review,* 81 FR 20618 (April 8, 2016).

[7] *See* 19 CFR 351.212(b)(1).

[8] *See* Issues and Decision Memorandum at 5–6.

[9] *See Initiation Notice,* 81 FR at 737 ("All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below.").

b. Differential Pricing
c. Value-Added Tax
d. Surrogate Values
VII. Recommendation

[FR Doc. 2017–12106 Filed 6–9–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

North American Free Trade Agreement (NAFTA), Article 1904 Binational Panel Review: Notice of NAFTA Panel Decision

AGENCY: United States Section, NAFTA Secretariat, International Trade Administration, Department of Commerce.

ACTION: Notice of NAFTA Panel Decision in the matter of Supercalendered Paper from Canada: Final Affirmative Countervailing Duty Determination (Secretariat File Number: USA–CDA–2015–1904–01).

SUMMARY: On April 13, 2017, the Binational Panel issued its Memorandum Opinion and Order in the matter of Supercalendered Paper from Canada: Final Affirmative Countervailing Duty Determination (Final Determination). The Binational Panel affirmed in part and remanded in part the Final Determination by the United States Department of Commerce (Commerce) and copies of the NAFTA Panel Decision are available from the United States Section of the NAFTA Secretariat.

FOR FURTHER INFORMATION CONTACT: Paul E. Morris, United States Secretary, NAFTA Secretariat, Room 2061, 1401 Constitution Avenue NW., Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of Article 1904 of NAFTA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to review the trade remedy determination being challenged and issue a binding Panel Decision. There are established *NAFTA Rules of Procedure for Article 1904 Binational Panel Reviews* (Rules) and the NAFTA Panel Decision has been notified in accordance with Rule 70. For the complete Rules, please see *https://www.nafta-sec-alena.org/Home/Texts-of-the-Agreement/Rules-of-Procedure/Article-1904.*

Panel Decision: On April 13, 2017, the Binational Panel issued its Memorandum Opinion and Order which affirmed in part and remanded in part the Final Determination by Commerce. The Binational Panel concluded and ordered that Commerce's Final Determination is remanded for further consideration consistent with the Panel's decision with respect to (1) the use of Commerce's ''concurrent subsidies'' methodology to analyze the provision of ''hot idle'' funding to Port Hawkesbury Paper LLP (PHP) in a transaction between private parties; (2) Commerce's conclusion that the Government of Nova Scotia entrusted and directed Nova Scotia Power, Inc. to make a financial contribution by providing electricity; (3) Commerce's conclusion that Nova Scotia Power, Inc. provided electricity for less than adequate remuneration, addressing both its conclusion that a Tier 1 benchmark was not available and its calculation of a Tier 3 benchmark; (4) the use of Commerce's ''concurrent subsidies methodology'' with respect to granting of Forestry Infrastructure monies to New Page Port Hawkesbury (NPPH) prior to its acquisition by Pacific West Commercial Corporation (PWCC); (5) Commerce's statement that the administrative record contains no evidence of a hostile takeover of Fibrek by Resolute; (6) Commerce's failure to examine whether the grants to Resolute under the Northern Industrial Electricity Rate and Forestry Sector Prosperity Funds programs were tied to the production of a particular product or to the production of an input product; and (7) Commerce's use of the same non-recurring grant as the source for Adverse Facts Available for both recurring and non-recurring grants.

The Binational Panel ordered that to the extent not rendered moot by Commerce's explanation on remand as to why a Tier 1 benchmark for measuring the adequacy of remuneration of Port Hawkesbury's electricity was not available, Commerce's October 21, 2016 motion for a voluntary remand to consider whether Commerce should include a separate component for return on equity in its Tier 3 benchmark for measuring the adequacy of remuneration of Port Hawkesbury's electricity is granted, and the calculation of the benchmark for such purchases is hereby remanded. The Binational Panel further ordered that the Final Determination in all other respects is sustained and directed Commerce to submit its redetermination on remand within 75 days of the date of issue of the NAFTA Panel Decision. For the full Memorandum Opinion and Order, please see *https://www.nafta-sec-alena.org/Home/Dispute-Settlement/Decisions-and-Reports.*

Dated: June 6, 2017.

Paul E. Morris,

U.S. Secretary, NAFTA Secretariat.

[FR Doc. 2017–12039 Filed 6–9–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–845]

Antidumping Suspension Agreement on Sugar From Mexico: Rescission of 2014–2015 and 2015–2016 Administrative Reviews

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

SUMMARY: On May 1, 2017, the Department notified the producers/exporters that were signatories to the Agreement Suspending the Antidumping Duty Investigation on sugar from Mexico (the AD Agreement) of its intent to terminate the AD Agreement unless a new agreement was reached on or before June 5, 2017. The Department subsequently modified its notice of intent to terminate the AD Agreement, stating its continued intent to terminate the AD Agreement unless an amended agreement was reached on or before June 6, 2017. Because the Department intends to terminate the AD Agreement, or, in the alternative, amend the AD Agreement prior to the expiration of the termination period, the two ongoing administrative reviews of the original AD Agreement are now moot, and the Department is rescinding both administrative reviews.

DATES: Effective June 5, 2017.

FOR FURTHER INFORMATION CONTACT: Sally C. Gannon or David Cordell, Enforcement & Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–0162 or (202) 482–0408.

SUPPLEMENTARY INFORMATION:

Background

Investigation and Issuance of the AD Agreement

On April 17, 2014, the Department initiated an antidumping duty investigation under section 732 of the Tariff Act of 1930, as amended (the Act), to determine whether imports of sugar from Mexico are being, or are likely to be, sold in the United States at less than

fair value.[1] On October 24, 2014, the Department preliminarily determined that sugar from Mexico is being, or is likely to be, sold in the United States at less than fair value, as provided in section 733 of the Act.[2]

On December 19, 2014, the Department and representatives of the signatory producers/exporters accounting for substantially all imports of sugar from Mexico signed the AD Agreement, under section 734(c) of the Act, which suspended the AD investigation.[3] The basis for this action was an agreement between the Department and signatory producers/exporters accounting for substantially all imports of sugar from Mexico, wherein each signatory producer/exporter agreed to revise its prices to eliminate completely the injurious effects of exports of the subject merchandise to the United States.

On January 8, 2015, Imperial Sugar Company (Imperial) and AmCane Sugar LLC (AmCane) each notified the Department that they had petitioned the International Trade Commission (ITC) to conduct a review of the AD Agreement under section 734(h) of the Act, to determine whether the injurious effects of the imports of the subject merchandise are eliminated completely by the AD Agreement. On March 19, 2015, in a unanimous vote, the ITC found that the AD Agreement eliminated completely the injurious effects of imports of sugar from Mexico.[4] As a result of the ITC's determination, the AD Agreement remained in effect, and on March 27, 2015, the Department, in accordance with section 734(h)(3) of the Act, instructed U.S. Customs and Border Protection (CBP) to terminate the suspension of liquidation of all entries of sugar from Mexico and refund all cash deposits.

Notwithstanding issuance of the AD Agreement, pursuant to requests by domestic interested parties, the Department continued its investigation and made an affirmative final determination of sales at less than fair value.[5] In its *Final Determination,* the Department calculated weighted-average dumping margins of 40.48 percent for Fondo de Empresas Expropiadas del Sector Azucarero (FEESA), 42.14 percent for Ingenio Tala S.A. de C.V. and certain affiliated sugar mills of Grupo Azucarero Mexico S.A. de C.V. (collectively, the GAM Group), and 40.74 percent for all other Mexican producers/exporters. The Department stated, in its *Final Determination,* that it would ''not instruct CBP to suspend liquidation or collect cash deposits calculated herein unless the AD Suspension Agreement is terminated and the Department issues an antidumping duty order,'' and, in that case, it would ''instruct CBP to suspend liquidation and require a cash deposit equal to the weighted-average amount by which normal value exceeds U.S. price,'' and adjusted for export subsidies.[6] The ITC subsequently made an affirmative determination of material injury to an industry in the United States by reason of imports of sugar from Mexico.[7]

Reviews

On February 9, 2016, at the request of the American Sugar Coalition and its Members (ASC),[8] Imperial, and AmCane, the Department initiated an administrative review of the AD Agreement for the period of review from December 19, 2014 through November 30, 2015[9] to examine, the status of, and compliance with, the AD Agreement,[10] as well as whether suspension of the investigation is in the ''public interest,'' including the availability of supplies of sugar in the U.S. market, and whether ''effective monitoring'' is practicable.[11] On December 5, 2016, the Department published the preliminary results of its administrative review of the AD Agreement.[12] In its *Preliminary Results,* the Department determined that there is some indication that certain individual transactions of subject merchandise may not be in compliance with the terms of the AD Agreement, and further, that the AD Agreement may no longer be meeting all of the statutory requirements, as set forth in sections 734(c) and (d) of the Act.

On February 13, 2017, at the request of interested parties ASC, Imperial, and Zucarmex S.A. de C.V. (Zucarmex), the Department initiated an administrative review of the AD Agreement for the period December 1, 2015 through November 30, 2016.[13]

On May 1, 2017, the Department notified the signatory producers/exporters of its intent to terminate the AD Agreement, pursuant to Section X.B of the AD Agreement, unless the parties reached agreement upon resolution of the outstanding issues with the current agreement on or before June 5, 2017.[14] On June 5, 2017, the Department notified the signatory producers/exporters that it was extending the period within which to reach an agreement until June 6, 2017.[15]

Scope of AD Agreement

The product subject to the AD Agreement is raw and refined sugar of all polarimeter readings derived from sugar cane or sugar beets. The covered merchandise is classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 1701.12.1000, 1701.12.5000, 1701.13.1000, 1701.13.5000, 1701.14.1000, 1701.14.5000, 1701.91.1000, 1701.91.3000, 1701.99.1010, 1701.99.1025, 1701.99.1050, 1701.99.5010, 1701.99.5025, 1701.99.5050, and 1702.90.4000.

See Appendix I for the full description of merchandise covered by the AD Agreement.

Period of Administrative Reviews

The POR of the first administrative review is December 19, 2014 through November 30, 2015 and the POR of the second administrative review is December 1, 2015 through November 30, 2016.

Rescission of Administrative Reviews

The Department has indicated its intent to terminate the AD Agreement,

[1] *See Sugar from Mexico: Initiation of Antidumping Duty Investigation,* 79 FR 22795 (April 24, 2014).

[2] *See Sugar from Mexico: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 79 FR 65189 (November 3, 2014).

[3] *See Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico,* 79 FR 78039 (December 29, 2014) (AD Agreement).

[4] *See Sugar from Mexico; Determinations,* 80 FR 16426 (March 27, 2015).

[5] *See Sugar From Mexico: Continuation of Antidumping and Countervailing Duty Investigations,* 80 FR 25278 (May 4, 2015); *Sugar From Mexico: Final Determination of Sales at Less Than Fair Value,* 80 FR 57341 (September 23, 2015) (*Final Determination*).

[6] *Final Determination,* 80 FR at 57342.

[7] *See Sugar From Mexico,* 80 FR 70833 (November 16, 2015) (*Final ITC Determination*).

[8] The members of the American Sugar Coalition are: American Sugar Cane League, American Sugarbeet Growers Association, American Sugar Refining, Inc., Florida Sugar Cane League, Rio Grande Valley Sugar Growers, Inc., Sugar Cane Growers Cooperative of Florida, and the United States Beet Sugar Association.

[9] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 81 FR 6832 (February 9, 2016) (2014–2015 Administrative Review).

[10] *See* section 751(a)(1)(C) of the Act.

[11] *See* section V of the AD Agreement.

[12] *See Antidumping Duty Suspension Agreement on Sugar From Mexico; Administrative Review,* 81 FR 87541 (December 5, 2016) (*Preliminary Results*).

[13] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 10457 (February 13, 2017) (2015–2016 Administrative Review).

[14] *See* Letter from Ronald Lorentzen to Juan Cortina Gallardo et al., ''Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico'' (May 1, 2017) (May 1, 2017 notice).

[15] *See* Letter from Ronald Lorentzen to Juan Cortina Gallardo et al., ''Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico'' (June 5, 2017) (June 5, 2017 notice).

unless an amended agreement can be reached.[16] Accordingly, the questions of the status of, and compliance, with the AD Agreement, whether suspension of the AD Agreement is in the ''public interest,'' including the availability of supplies of sugar in the U.S. market, and whether ''effective monitoring'' is practicable have been rendered moot because either the AD Agreement will be amended and suspension of the investigation will be continued with the Department's issuance of a final amendment to the AD Agreement, or the AD Agreement will be terminated, according to the Department's May 1, 2017, notice of intent to terminate, as modified by its June 5, 2017 letter.[17] Therefore, the Department is rescinding the 2014–2015 and 2015–2016 administrative reviews of the AD Agreement.

Notification to Interested Parties

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this notice in accordance with sections 734(f), 751(a)(1) and 777(i)(1) of the Act.

Dated: June 6, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I: Scope of the AD Agreement

The product covered by the AD Agreement is raw and refined sugar of all polarimeter readings derived from sugar cane or sugar beets. The chemical sucrose gives sugar its essential character. Sucrose is a nonreducing disaccharide composed of glucose and fructose linked by a glycosidic bond via their anomeric carbons. The molecular formula for sucrose is $C_{12}H_{22}O_{11}$; the International Union of Pure and Applied Chemistry (IUPAC) International Chemical Identifier (InChl) for sucrose is 1S/C12H22O11/c13-1-4-6(16)8(18)9(19)11(21-4)23-12(3-15)10(20)7(17)5(2-14)22-12/h4-11,13-20H,1-3H2/t4-,5-,6-,7-,8+,9-,10+,11-,12+/m1/s1; the InChl Key for sucrose is CZMRCDWAGMRECN–UGDNZRGBSA–N; the U.S. National Institutes of Health PubChem Compound Identifier (CID) for sucrose is 5988; and the Chemical Abstracts Service (CAS) Number of sucrose is 57–50–1.

Sugar described in the previous paragraph includes products of all polarimeter readings described in various forms, such as raw sugar, estandar or standard sugar, high polarity or semi-refined sugar, special white sugar, refined sugar, brown sugar, edible molasses, desugaring molasses, organic raw sugar, and organic refined sugar. Other sugar products, such as powdered sugar, colored sugar, flavored sugar, and liquids and syrups that contain 95 percent or more sugar by dry weight are also within the scope of the order.

The scope of the order does not include (1) sugar imported under the Refined Sugar Re-Export Programs of the U.S. Department of Agriculture;[18] (2) sugar products produced in Mexico that contain 95 percent or more sugar by dry weight that originated outside of Mexico; (3) inedible molasses (other than inedible desugaring molasses noted above); (4) beverages; (5) candy; (6) certain specialty sugars; and (7) processed food products that contain sugar (*e.g.,* cereals). Specialty sugars excluded from the scope of the order are limited to the following: caramelized slab sugar candy, pearl sugar, rock candy, dragees for cooking and baking, fondant, golden syrup, and sugar decorations.

Merchandise covered by the AD Agreement is typically imported under the following headings of the HTSUS: 1701.12.1000, 1701.12.5000, 1701.13.1000, 1701.13.5000, 1701.14.1000, 1701.14.5000, 1701.91.1000, 1701.91.3000, 1701.99.1010, 1701.99.1025, 1701.99.1050, 1701.99.5010, 1701.99.5025, 1701.99.5050, and 1702.90.4000. The tariff classification is provided for convenience and customs purposes; however, the written description of the scope of the order is dispositive.

[FR Doc. 2017–12115 Filed 6–9–17; 8:45 am]

BILLING CODE 3510–DS–P

[16] *See* May 1, 2017 letter, as modified by the June 5, 2017 letter.

[17] *Id.*

[18] This exclusion applies to sugar imported under the Refined Sugar Re-Export Program, the Sugar-Containing Products Re-Export Program, and the Polyhydric Alcohol Program administered by the U.S. Department of Agriculture.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–810]

Stainless Steel Bar From India: Final Results of Antidumping Duty Administrative Review; 2015–2016

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

SUMMARY: On March 1, 2017, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on stainless steel bar (SSB) from India. The period of review (POR) is February 1, 2015, through January 31, 2016. This review covers two producers or exporters of the subject merchandise: Ambica Steels Limited (Ambica), and Bhansali Bright Bars Pvt. Ltd. (Bhansali). We determine that Bhansali had no shipments of subject merchandise during the POR and that Ambica did have an entry of subject merchandise during the POR.

DATES: Effective June 12, 2017.

FOR FURTHER INFORMATION CONTACT: Joseph Shuler, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–1293.

SUPPLEMENTARY INFORMATION:

Background

Following the *Preliminary Results,*[1] we received a timely filed case brief from Carpenter Technology Corporation, Crucible Industries LLC, Electralloy, a Division of G.O. Carlson, Inc., North American Stainless, Universal Stainless & Alloy Products, Inc., and Valbruna Slater Stainless, Inc. (the petitioners) and a timely filed rebuttal brief from Ambica.[2]

Scope of the Order

The merchandise subject to the order is SSB. SSB subject to the order is currently classifiable under subheadings 7222.10.00, 7222.11.00, 7222.19.00, 7222.20.00, 7222.30.00 of the Harmonized Tariff Schedule (HTS). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of the Order is dispositive. A full description of the scope of the order is contained in the Issues and Decision Memorandum.[3]

Analysis of Comments

All issues raised in the case and rebuttal briefs by parties in this review are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues raised is attached to this notice as Appendix I. The Issues and Decision Memorandum

[1] *See Stainless Steel Bar from India: Preliminary Results, of Antidumping Duty Administrative Review; 2015–2016,* 82 FR 12190 (March 1, 2017) (*Preliminary Results*).

[2] *See* Letter from the petitioners to the Department, ''Stainless Steel Bar from India—Petitioners' Case Brief,'' (Petitioners' CB) dated March 31, 2017; *see also,* Letter from Ambica to the Department, ''Stainless Steel Bar from India: Rebuttal Brief,'' dated April 7, 2017 (Ambica's RB).

[3] *See* the Memorandum from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, ''Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review of Stainless Steel Bar from India; 2015–2016,'' dated concurrently with, and hereby adopted by this notice (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 to all parties in the Central Records Unit, room B–8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.*

Final Determination of No Shipments (Bhansali)

As stated in the *Preliminary Results,* we received a timely claim from Bhansali reporting that it had no shipments of the subject merchandise to the United States during the POR and preliminarily determined that it had no shipments during the POR. For the final results, we continue to find that Bhansali had no shipments of subject merchandise to the United States during the POR.

Final Results of Review (Ambica)

As stated in the *Preliminary Results,* the Department preliminarily found that Ambica had one suspended entry of subject merchandise during this POR for which it had knowledge of its sale to an unaffiliated U.S. customer. For the final results, the Department finds that Ambica had one suspended entry of subject merchandise during the POR. However, as stated in the *Preliminary Results,* the Department inadvertently included the sales associated with this 2015–16 entry of subject merchandise in its analysis for the 2014–15 administrative review. Therefore, we have determined to apply the importer-specific assessment rate calculated for Ambica in the 2014–15 review to this suspended entry in the instant review. For all other entries of subject merchandise attributed to Ambica during the instant POR, Ambica has reasonably explained that it had no knowledge of these entries into the United States or the sales associated with these entries. Accordingly, these entries will be liquidated at the all-others rate. For additional information and analysis, *see* the Issues and Decision Memorandum; *see also* the Preliminary Analysis Memorandum.[4]

Assessment of Antidumping Duties

For the single suspended entry attributable to Ambica, we will instruct CBP to liquidate this entry at the importer-specific assessment rate calculated in the 2014–15 administrative review.

In accordance with the Department's practice, for entries of subject merchandise during the POR for which Ambica or Bhansali did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Tariff Act of 1930: (1) The cash deposit rate for Ambica and Bhansali will remain unchanged from the rate assigned to each company in the completed segment for the most recent period for each company; (2) for other producers and exporters covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the completed segment for the most recent period of this proceeding in which that producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, then the cash deposit rate will be the rate established for the completed segment for the most recent period of this proceeding for the producer of subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 12.45 percent, the all-others rate established in the investigation.[5] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notifications

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

These final results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 6, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Changes Since the Preliminary Results
IV. Scope of the Order
V. Discussion of the Issues
  Comment: Whether the Department's Liquidation Instructions Address All Applicable Entries
VI. Recommendation

[FR Doc. 2017–12107 Filed 6–9–17; 8:45 am]

BILLING CODE 3510–DS–P

[4] Because of the proprietary nature of the entry documents, *see* the Memorandum from Joseph Shuler, International Trade Analyst to Alex Villanueva, Director, Antidumping and Countervailing Duty Operations Training and Professional Development Unit, ''Stainless Steel Bar from India: Preliminary Analysis Memorandum,'' dated February 22, 2017 (Preliminary Analysis Memorandum).

[5] *See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar from India,* 59 FR 66915, 66921 (December 28, 1994).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF469

Fisheries of the Gulf of Mexico and Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 54 assessment webinar II for Highly Migratory Species (HMS) Sandbar Shark.

SUMMARY: The SEDAR 54 assessment of the HMS Sandbar will consist of a series of assessment webinars. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 54 assessment webinar II will be held from 1 p.m. to 3 p.m. on June 22, 2017.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Dr. Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Dr. Julie A. Neer, SEDAR Coordinator; telephone: (843) 571–4366; email: *Julie.neer@safmc.net*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Assessment Process webinars are as follows:

1. Using datasets and initial assessment analysis recommended from the Data Webinar, panelists will employ assessment models to evaluate stock status, estimate population benchmarks and management criteria, and project future conditions.
2. Participants will recommend the most appropriate methods and configurations for determining stock status and estimating population parameters.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: June 7, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–12072 Filed 6–9–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF438

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The NMFS Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, has made a preliminary determination that an exempted fishing permit application contains all of the required information and warrants further consideration. This exempted fishing permit would allow commercial fishing vessels in collaboration with the Massachusetts Division of Marine Fisheries to research the use of raised-footrope trawl gear to target whiting (Northern silver hake) within an area of the Gulf of Maine whiting exempted fishery for two weeks before the start of the current open season.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for a proposed exempted fishing permit.

DATES: Comments must be received on or before June 27, 2017.

ADDRESSES: You may submit written comments by any of the following methods:

- *Email*: *NMFS.GAR.EFP@noaa.gov.* Include in the subject line ''Comments on 2017 MADMF Whiting Exempted Fishery Study EFP.''
- *Mail:* John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''2017 MADMF Whiting Exempted Fishery Study EFP.''

FOR FURTHER INFORMATION CONTACT: Reid Lichwell, Fishery Management Specialist, (978) 282–9112.

SUPPLEMENTARY INFORMATION: The Massachusetts Division of Marine Fisheries (MADMF) submitted an application for an Exempted Fishing Permit (EFP) to assess the use of small-mesh raised-footrope trawl gear in a Gulf of Maine (GOM) exempted fishing area two weeks before the area opens for whiting fishing. Research would occur within a subarea of Small Mesh Area 1 (SMA1). This EFP would allow up to eight participating commercial fishing vessels exemptions from the minimum mesh size gear requirements found at 50 CFR 648.80(a)(3); and from the possession limits and minimum size requirements specified in 50 CFR part 648, subparts B and D through O.

MADMF asserts that the GOM whiting exempted fishery is underutilized and analysis of observer data have indicated that whiting stocks may be more prevalent and more effectively targeted within the exemption areas before the current July 15 opening for SMA1. This study would provide data on catch rates of whiting and bycatch of regulated Northeast (NE) multispecies to evaluate if an earlier opening of the GOM whiting exempted fishery in SMA1 is warranted. This is the second year of study to test raised-footrope trawl gear targeting whiting before the start of the SMA1 whiting exempted fishery.

This EFP would allow eight vessels to fish within the western portion of SMA1 during July 1–14. Participating vessels would each be limited to six fishing days. The length of each trip would be at the discretion of the vessel operators, consistent with normal commercial fishing practices. Each vessel would conduct 3 to 4 tows per day, with each tow lasting approximately 90 minutes.

These vessels would operate under the normal restrictions for operating in the whiting exemption areas during their open seasons. For instance, participating vessels would use a raised-footrope trawl with diamond mesh nets that have either a codend mesh size of greater than 2.5 inches but less than 3 inches, or a codend mesh size of 3 inches or greater, consistent with § 648.80(a)(9)(ii). Per trip possession limits that would be allowed for silver, northern red, and offshore hake are consistent with those outlined in § 648.86(d). Additional species permitted for retention and sale would include butterfish, spiny dogfish, Atlantic herring, Atlantic mackerel, scup, and squid. Regulated Northeast multispecies (cod, haddock, etc.) cannot be retained by the participating vessels either under this EFP or during the normal small-mesh exempted fisheries. Participating vessels would be exempt from the possession limits and minimum size requirements for sampling purposes only, in order to facilitate collecting weight and length measurements of catch. All catch not retained for sale would be returned to the sea as soon as possible after biological sampling is conducted.

MADMF has analyzed catch data collected during last year's sampling trips, which utilized the same gear, time period (July 1–14), geographic area, and methods that are proposed for this year's study. Last year's sampling was conducted by five vessels within SMA1, totaling 29 trip (82 tows). Data collected from these trips shows approximately 10 percent bycatch of regulated groundfish species in SMA1. The majority of this catch was haddock. It is anticipated that the catch for the proposed 2017 study would have similar bycatch and catch composition as last year's study.

All trips will be accompanied by either MADMF trained staff or contracted observers to collect data on catch composition, length and weight measurements, and operational data (location, weather, time, duration of tow, trawl speed, etc.). All gear will be inspected and measured prior to its use to verify that it meets the mesh sizes requirements consistent with existing applicable small-mesh exempted gear requirements.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impact that does not change the scope of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: June 7, 2017.

Margo B. Schulze-Haugen,

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

[FR Doc. 2017–12103 Filed 6–9–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: West Coast Region Pacific Tuna Fisheries Logbook and Fish Aggregating Device Form.

OMB Control Number: 0648–0148.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 21.

Average Hours per Response: 5 minutes to complete bridge log; 10 minutes to complete FAD data collection requirements.

Burden Hours: 746.

Needs and Uses: This request is for an extension of a current information collection.

United States' (U.S.) participation in the Inter-American Tropical Tuna Commission (IATTC) results in certain record keeping requirements for U.S. vessel owners and operators who fish in the IATTC's area of management responsibility. Vessel owners and operators must maintain a log of all operations conducted from the fishing vessel, entering the date, noon position, and the tonnage of fish aboard by species. The purse seine bridge logbook provided by the IATTC is used by all United States purse seine vessel owners and operators. In addition, vessel owners and operators of large purse seine vessels (*i.e.,* with at least 363 metric tons of fish hold volume) that fish with FADs in the Eastern Pacific Ocean (EPO) are required to collect data specific on fish aggregating devices (FADs) to meet international obligations under IATTC Resolution C–16–01. Owners and operators of a FAD would be required to record data for each interaction with a FAD through a FAD form provided by the IATTC or through a FAD form provided by NMFS that combines the bridge logbook with the FAD Form. Data collected from FADs will allow IATTC scientific staff to distinguish a particular FAD when analyzing data and can track the activities on a FAD through time.

Affected Public: Business or other for-profit organizations.

Frequency: Daily when on fishing trip.

Respondent's Obligation: Mandatory.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: June 7, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–12065 Filed 6–9–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Emergency Beacon Registrations

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, 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: Written comments must be submitted on or before August 11, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *pracomments@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Joy Hargraves, (301) 817–4001 or *Joy.Hargraves@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of a currently approved information collection.

An international system exists to use satellites to detect and locate ships, aircraft, and individuals in distress if they are equipped with an emergency radio beacon. Persons purchasing a digital distress beacon, operating in the frequency range of 406.000 to 406.100 MHz, must register it with NOAA. These requirements are contained in Federal Communications Commission (FCC) regulations at 47 CFR 80.1061, 47 CFR 87.199 and 47 CFR 95.1402. The data provided by registration can assist in identifying who is in distress and in suppression of false alarms.

II. Method of Collection

Paper and online registration is available.

III. Data

OMB Control Number: 0648–0295.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Individuals or households; business or other for-profit organizations; not-for-profit institutions; State, local, or tribal government.

Estimated Number of Respondents: 234,386.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 58,597.

Estimated Total Annual Cost to Public: $28,712 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 7, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–12066 Filed 6–9–17; 8:45 am]

BILLING CODE 3510–HR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF481

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting (webinar).

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Salmon Technical Team (STT) will hold a webinar, which is open to the public, to develop a plan and timeline to review inquiries to change the commercial salmon troll fishery boundary in two different areas.

DATES: The webinar will be held on Wednesday, June 28, 2017, from 9 a.m. until noon, or until business for the day is complete.

ADDRESSES: To attend the webinar, visit: *https://global.gotomeeting.com/join/837202733.* Enter the Webinar ID, which is 837–202–733, and your name and email address (required). After logging in to the webinar, please: dial this TOLL number +1 (872) 240–3212 (not a toll-free number), enter the attendee phone audio access code 837–202–733, and then enter your audio phone pin (shown after joining the webinar). Participants are encouraged to use their telephone, as this is the best practice to avoid technical issues and excessive feedback. (See the PFMC GoToMeeting Audio Diagram for best practices). System Requirements for PC-based attendees: Required: Windows® 7, Vista, or XP; for Mac®-based attendees: Required: Mac OS® X 10.5 or newer; and for mobile attendees: iPhone®, iPad®, Android™ phone or Android tablet (See the GoToMeeting Webinar Apps).

You may send an email to *kris.kleinschmidt@noaa.gov* or contact him at (503) 820–2280, extension 411 for technical assistance. A public listening station will also be provided at the Pacific Council office.

Council address: Pacific Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Ehlke, Pacific Council; telephone: (503) 820–2410.

SUPPLEMENTARY INFORMATION: In April 2017, the Pacific Council heard a request to move the commercial salmon troll fishery boundary at Horse Mountain (40°05′00″ N Latitude) northward five miles (40°10'00'' N Latitude.) The STT was asked by the Pacific Council to investigate any technical issues that may arise from such a move. Since that time, Oregon Department of Fish and Wildlife has asked the Pacific Council to review its plan to adjust the commercial salmon troll fishery boundary between the north Oregon and central Oregon management zones. It is anticipated the STT will develop a work plan and timeline needed to conduct the analysis and produce a report for Pacific Council review. If time and interest allows, the team may also discuss additional topics, including but not limited to developing a Council Operating Procedure to help guide future requests for a boundary-change. Public comments during the webinar will be received from attendees at the discretion of the STT Chair.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2411 at least 10 days prior to the meeting date.

Dated: June 7, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–12073 Filed 6–9–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL17–76–000]

Notice of Complaint: East Texas Electric Cooperative, Inc. v. Public Service Company of Oklahoma, Southwestern Electric Power Company, AEP Oklahoma Transmission Company, AEP Southwestern Transmission Company

Take notice that on June 5, 2017, pursuant to sections 206, 306, and 309 of the Federal Power Act, 16 U.S.C. 824e, 825e, and 825h and Rules 206 and 212 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 and 385.212 (2016), East Texas Electric Cooperative, Inc. (Complainant) filed a formal complaint against Public Service Company of Oklahoma, Southwestern Electric Power Company, AEP Oklahoma Transmission Company and AEP Southwestern Transmission Company, (Respondents or AEP West Companies) alleging that, the 10.70 percent base return on common equity currently included in the formula transmission rates of the AEP West Companies is unjust and unreasonable and should be reduced, all as more fully explained in the complaint.

The Complainant states that ETEC certifies that copies of the complaint were served in accordance with Rule 206(c).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on June 26, 2017.

Dated: June 6, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–12051 Filed 6–9–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–121–000.

Applicants: Battery Utility of Ohio, LLC.

Description: Errata to May 22, 2017 Application of Battery Utility of Ohio, LLC. for Authorization Under Section 203 of the Federal Power Act and Request for Waivers, et al.

Filed Date: 6/6/17.

Accession Number: 20170606–5101.

Comments Due: 5 p.m. ET 6/12/17.

Docket Numbers: EC17–127–000.

Applicants: Michigan Electric Transmission Company, LLC.

Description: Application Pursuant to Section 203 of the Federal Power Act to Acquire Assets of Michigan Electric Transmission Company, LLC.

Filed Date: 6/5/17.

Accession Number: 20170605–5236.

Comments Due: 5 p.m. ET 6/26/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1910–015; ER10–1911–015.

Applicants: Duquesne Light Company, Duquesne Power, LLC.

Description: Notice of Change in Status of the Duquesne MBR Sellers.

Filed Date: 6/5/17.

Accession Number: 20170605–5235.

Comments Due: 5 p.m. ET 6/26/17.

Docket Numbers: ER10–2984–036.

Applicants: Merrill Lynch Commodities, Inc.

Description: Notice of Non-Material Change in Status of Merrill Lynch Commodities, Inc.

Filed Date: 6/6/17.

Accession Number: 20170606–5103.

Comments Due: 5 p.m. ET 6/27/17.

Docket Numbers: ER17–1759–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Southwestern Power Administration NITS Rate Change to be effective 1/1/2017.

Filed Date: 6/5/17.

Accession Number: 20170605–5220.

Comments Due: 5 p.m. ET 6/26/17.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES17–33–000.

Applicants: Duquesne Light Company.

Description: Application of Duquesne Light Company Pursuant to Section 204 of the Federal Power Act for an Order Authorizing the Issuance of Short-Term Debt.

Filed Date: 6/5/17.

Accession Number: 20170605–5237.

Comments Due: 5 p.m. ET 6/26/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 6, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–12048 Filed 6–9–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–117–000.
Applicants: Dynegy Zimmer, LLC, Dynegy Miami Fort, LLC, The Dayton Power and Light Company, AES Ohio Generation, LLC.
Description: Supplement to May 12, 2017 Joint Application for Authorization of Disposition of Jurisdictional Assets Under Section 203(a)(1) of the Federal Power Act of Dynegy Buyers and AES Sellers.
Filed Date: 6/5/17.
Accession Number: 20170605–5116.
Comments Due: 5 p.m. ET 6/26/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–414–002.
Applicants: ISO New England Inc., Eversource Energy Service Company (as ag, Emera Maine, Central Maine Power Company, New Hampshire Transmission, LLC, New England Power Company, The United Illuminating Company, Unitil Energy Systems, Inc., Vermont Transco, LLC.
Description: Compliance filing: Filing of New England Transmission Owners to Return Rates to the Status Quo Ante to be effective 6/6/2017.
Filed Date: 6/5/17.
Accession Number: 20170605–5166.
Comments Due: 5 p.m. ET 6/26/17.

Docket Numbers: ER17–42–001; ER17–43–001; ER17–962–001.
Applicants: Portal Ridge Solar B, LLC, Portal Ridge Solar C, LLC, MS Solar 2, LLC.
Description: Notice of Change in Status of the DESRI MBR Sellers ER17–42, *et al.*
Filed Date: 6/2/17.
Accession Number: 20170602–5165.
Comments Due: 5 p.m. ET 6/23/17.

Docket Numbers: ER17–1663–002.
Applicants: Elwood Energy LLC.
Description: Compliance filing: Informational Filing Regarding Compliance With PJM Schedule 2 to be effective N/A.
Filed Date: 6/2/17.
Accession Number: 20170602–5124.
Comments Due: 5 p.m. ET 6/23/17.

Docket Numbers: ER17–1754–000.
Applicants: Albertsons Companies, LLC.
Description: Compliance filing: Refile Market-Based Rate Tariff to be effective 6/19/2017.
Filed Date: 6/5/17.
Accession Number: 20170605–5063.
Comments Due: 5 p.m. ET 6/26/17.

Docket Numbers: ER17–1755–000.
Applicants: Albertsons Companies, LLC.
Description: Tariff Cancellation: Cancellation to be effective 6/19/2017.
Filed Date: 6/5/17.
Accession Number: 20170605–5065.
Comments Due: 5 p.m. ET 6/26/17.

Docket Numbers: ER17–1756–000.
Applicants: Midcontinent Independent System Operator Inc., Ameren Illinois Company.
Description: § 205(d) Rate Filing: 2017–06–05_SA 2276 Ameren-Dynegy Amended DFSA to be effective 6/1/2017.
Filed Date: 6/5/17.
Accession Number: 20170605–5108.
Comments Due: 5 p.m. ET 6/26/17.

Docket Numbers: ER17–1757–000.
Applicants: Entergy New Orleans, LLC.
Description: Baseline eTariff Filing: ENOL MBR Application to be effective 12/31/9998.
Filed Date: 6/5/17.
Accession Number: 20170605–5118.
Comments Due: 5 p.m. ET 6/26/17.

Docket Numbers: ER17–1758–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: ISA No. 4723; Queue No. AA2–173/AB1–112 to be effective 5/15/2017.
Filed Date: 6/5/17.
Accession Number: 20170605–5128.
Comments Due: 5 p.m. ET 6/26/17.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES17–20–000.
Applicants: ITC Midwest LLC.
Description: Errata to April 27, 2017 Application [Exhibits C, D, and E] of ITC Midwest LLC under Section 204 of the Federal Power Act and Part 34 of the Commission's Regulations.
Filed Date: 5/26/17.
Accession Number: 20170526–5116.
Comments Due: 5 p.m. ET 6/9/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 5, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–12049 Filed 6–9–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL17–75–000]

Advanced Energy Economy; Notice of Petition for Declaratory Order

Take notice that on June 5, 2017, pursuant to Rule 207 of the Federal Energy Regulatory Commission's (FERC or Commission) Rules of Practice and Procedure, 18 CFR 385.207, Advanced Energy Economy filed a petition for declaratory order regarding the authority of Relevant Electric Retail Regulatory Authorities to bar, restrict, or otherwise condition the participation of certain types of Energy Efficiency Resources in FERC-jurisdictional wholesale electricity markets under a FERC-approved tariff, all as more fully explained in the petition.

Any person desiring to intervene or to protest in this proceeding must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the

eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on July 5, 2017.

Dated: June 5, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–12050 Filed 6–9–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–1751–000]

Veritas Energy Group, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Veritas Energy Group, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 26, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 6, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–12052 Filed 6–9–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2839–015]

Notice of Application Tendered For Filing With the Commission, Soliciting Additional Study Requests, and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments; Village of Lyndonville Electric Department

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 2839–015.

c. *Date filed:* May 26, 2017.

d. *Applicant:* Village of Lyndonville Electric Department.

e. *Name of Project:* Great Falls Hydroelectric Project.

f. *Location:* On the Passumpsic River, in the Town of Lyndonville, Caledonia County Vermont. The project does not occupy lands of the United States.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Bill Humphrey, Village of Lyndonville Electric Department, 119 Park Avenue, Lyndonville, VT 05851; (802) 626–3366.

i. *FERC Contact:* Bill Connelly, (202) 502–8587 or *william.connelly@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See,* 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* July 25, 2017.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2839–015.

m. The application is not ready for environmental analysis at this time.

n. The existing Great Falls Hydroelectric Project consists of: (1) A 160-foot-long, 32-foot-high curved, concrete dam with 2-foot-high

flashboards; (2) an approximately 12-acre impoundment having a storage capacity of 135-acre-feet at a normal maximum elevation of 668.38 feet above mean sea level; (3) an 18.5-foot-wide headworks structure with two headgates; (4) a 290-foot-long partially covered, power canal; (5) a gatehouse with two 15-foot-wide trashracks with 1.5-inch clear spacing; (6) a 200-foot-long, 6- to 10-foot-diameter metal penstock that bifurcates before entering two powerhouses; (7) a 47-foot-long, 25-foot-wide powerhouse containing a 1,350 kilowatt (kW) horizontal turbine-generator unit and a 40-foot-long, 40-foot-wide powerhouse containing two 350 kW horizontal turbine-generator units for a total capacity of 2,050 kW; (8) a 350-foot-long, 2.4-kilovolt (kV) above-ground generator lead that connects the turbine-generator units to a step-up transformer; (9) a 1.75-mile-long, 12.5-kV above-ground transmission line; and (10) appurtenant facilities.

The Village of Lyndonville Electric Department operates the project in a run-of-river mode with an annual average generation of approximately 3,960 megawatt-hours. The Village of Lyndonville Electric Department is not proposing any new project facilities or changes in project operation.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. With this notice, we are designating Lyndonville Electric Department as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and consultation pursuant to section 106 of the National Historic Preservation Act.

q. Procedural schedule and final amendments: The application will be processed according to the following preliminary Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Acceptance or Deficiency Letter—August 2017
Request Additional Information—August 2017
Issue Acceptance Letter—November 2017
Issue Scoping Document 1 for Comments—December 2017
Request Additional Information (if necessary)—February 2018
Issue Scoping Document 2—March 2018
Issue notice of ready for environmental analysis—March 2018
Commission issues EA or draft EA—September 2018
Comments on EA or draft EA—October 2018
Commission issues final EA—December 2018

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: June 5, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–12053 Filed 6–9–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9100–000]

Notice of Authorization for Continued Project Operation; Riverdale Power & Electric Co., Inc.

On April 27, 2017 Riverdale Power & Electric Co., Inc., licensee for the Riverdale Mills Hydroelectric Project, filed an Application for a New License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Riverdale Mills Hydroelectric Project facilities are located on the Blackstone River in Worcester County, Massachusetts.

The license for Project No. 9100 was issued for a period ending May 31, 2017. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 9100 is issued to the licensee for a period effective June 1, 2017 through May 31, 2018 or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before May 31, 2018, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that the licensee, Riverdale Power & Electric Co., Inc., is authorized to continue operation of the Riverdale Mills Hydroelectric Project, until such time as the Commission acts on its application for a subsequent license.

Dated: June 6, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–12054 Filed 6–9–17; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–xxxx]

Information Collection Being Reviewed by the Federal Communications Commission

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 of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning:

Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before August 11, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email: *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the PRA, 44 U.S.C. 3501–3520, the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–xxxx.

Title: Sections 1.9020(n), 1.9030(m), 1.9035(o), Community notification requirement for certain contraband interdiction systems; Section 20.18(r), Contraband Interdiction System (CIS) requirement; Section 20.23(a), Good faith negotiations.

Form No.: N/A.

Type of Review: New collection.

Respondents: Businesses or other for profit entities and state, local or Tribal Governments.

Number of Respondents and Responses: 26 respondents and 28 responses.

Estimated Time per Response: 8–16 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: There is no obligation to respond; response required to obtain benefits. The statutory authority for this collection is contained in 47 U.S.C. 151, 152, 154(i), 154(j), 301, 302a, 303, 307, 308, 309, 310, and 332.

Total Annual Burden: 325 hours.

Annual Cost Burden: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: On March 24, 2017, the Federal Communications Commission released a Report and Order, *Promoting Technological Solutions to Combat Contraband Wireless Devices in Correctional Facilities,* GN Docket No. 13–111, FCC 17–25 (Report and Order), in which the Commission took important steps to help law enforcement combat the serious threats posed by the illegal use of contraband wireless devices by inmates. Across the country, inmates have used contraband devices to order hits, run drug operations, operate phone scams, and otherwise engage in criminal activity that endangers prison employees, other inmates, and innocent members of the public. In the Report and Order, the Commission streamlined the process of deploying contraband wireless device interdiction systems—systems that use radio communications signals requiring Commission authorization—in correctional facilities. The action will reduce the cost of deploying solutions and ensure that they can be deployed more quickly and efficiently. In particular, the Commission waived certain filing requirements and provided for immediate approval of the spectrum lease applications needed to operate these systems.

The effectiveness of Contraband Interdiction System (CIS) deployment requires all carriers in the relevant area of the correctional facility to execute a spectrum lease with the CIS provider. Even if the major Commercial Mobile Radio Services (CMRS) licensees negotiate expeditiously and in good faith, if one CMRS licensee in the area fails to engage in lease negotiations in a reasonable time frame or at all, the CIS solution will not be effective. The lack of cooperation of even a single wireless provider in a geographic area of a correctional facility can result in deployment of a system with insufficient spectral coverage, subject to abuse by inmates in possession of contraband wireless devices operating on frequencies not covered by a spectrum lease agreement. While some carriers have been cooperative, it is imperative that all CMRS licensees be required to engage in lease negotiations in good faith and in a timely fashion. Therefore, the Commission adopted a rule requiring that CMRS licensees negotiate in good faith with entities seeking to deploy a CIS in a correctional facility. If, after a 45 day period, there is no agreement, CIS providers seeking Special Temporary Authority (STA) to operate in the absence of CMRS licensee consent may file a request for STA with the Wireless Telecommunications Bureau (WTB), with a copy served at the same time on the CMRS licensee, accompanied by evidence demonstrating its good faith, and the unreasonableness of the CMRS licensee's actions, in negotiating an agreement. The CMRS licensee may then file a response with WTB, with a copy served on the CIS provider at that time, within 10 days of the filing of the STA request.

The supplementary information provided along with the STA application by the CIS provider will be used by WTB to determine whether the CIS provider has negotiated in good faith, yet the CMRS licensee has not negotiated in good faith. The CMRS licensee may use the evidence accompanying the STA application to craft a response. WTB will analyze the evidence from the CIS providers and the CMRS licensee's response to determine whether to issue STA to the entity seeking to deploy the CIS.

The Commission explored whether it should impose a requirement that the community in the vicinity of a correctional facility where a CIS is installed be notified of the installation. The Commission explained that a goal of the proceeding is to expedite the deployment of technological solutions to combat the use of contraband wireless devices, not to impose unnecessary barriers to CIS deployment. Consistent with that goal, the

Commission found that a flexible and community-tailored notification requirement for certain CISs outweighed the minimal burden of notification and furthered the public interest. After careful consideration of the record, the Commission imposed a rule that, 10 days prior to deploying a CIS that prevents communications to or from mobile devices, a lessee must notify the community in which the correctional facility is located, and the Commission amended its spectrum leasing rules to reflect this requirement. The Commission agreed with commenters that support notification of the surrounding community due to the potential for accidental call blocking and the public safety issues involved. The information provided in the notification will put the houses and businesses in the surrounding community on notice that a CIS will be deployed in the vicinity that has the potential for accidental call blocking.

Acknowledging the importance of ensuring the availability of emergency 911 calls from correctional facilities, and the fact that delivering emergency calls to public safety answering points (PSAPs) facilitates public safety services and generally serves the public interest, the Commission amended its rules to require that CIS providers regulated as private mobile radio service (PMRS) must route all 911 calls to the local PSAP. That said, the Commission also acknowledged the important role state and local public safety officials play in the administration of the 911 system. Accordingly, although the CIS provider is required to pass through emergency 911 calls, the PSAPs can inform the CIS provider that they do not want to receive calls from a given correctional facility. By allowing the PSAPs to decline the emergency 911 calls, the Commission recognized the reported increased volume of PSAP harassment through repeated inmate fraudulent 911 calls. The information provided by the PSAP or emergency authority will result in the CIS provider not passing through E911 calls from a particular correctional facility.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–12118 Filed 6–9–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX]

Information Collection Being Reviewed by the Federal Communications Commission

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 FCC may not conduct or sponsor a collection of information unless it displays a currently valid 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 Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before August 11, 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 contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

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 Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–XXXX.

Title: Reasonable Accommodation Requests.

Form Numbers: FCC Form 5626 and FCC Form 5627.

Type of Review: New collection.

Respondents: Individuals.

Number of Respondents and Responses: 60 respondents and 60 responses.

Estimated Time per Response: 5 hours for FCC Form 5626 and 0.16 hours for FCC Form 5627.

Frequency of Response: One-time reporting requirement.

Obligation to Respond: Voluntary. Statutory authority for these collections are contained in 29 U.S.C. 791; Executive Order 13164 65 FR 46565 (Jul 28, 2000).

Total Annual Burden: 312 hours.

Total Annual Cost: $900.

Privacy Impact Assessment: The FCC is drafting a Privacy Impact Assessment to cover the personally identifiable information (PIA) that will be collected, used, and stored.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: FCC employees and applicants for employment who have a condition that qualifies as a disability may seek an accommodation to perform the essential functions of their position by completing FCC Form 5626 and FCC Form 5627.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2017–12063 Filed 6–9–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1201]

Information Collection Being Reviewed by the Federal Communications Commission

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 of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before August 11, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email: *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the PRA, 44 U.S.C. 3501–3520, the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–1201.

Title: Video Relay Services, CG Docket Nos. 10–51 & 03–123.

Form Number: N/A.

Type of Review: Revision of currently approved collection.

Respondents: Business or other for-profit entities; Individuals or households; Not-for-profit institutions.

Number of Respondents and Responses: 135,350 respondents; 2,395,180 responses.

Estimated Time per Response: 3 minutes (.05 hours) to 300 hours.

Frequency of Response: Annual, monthly, on-going, one-time, and quarterly reporting requirements; Recordkeeping requirement, Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is section 225 of the Communications Act, 47 U.S.C. 225. The law was enacted on July 26, 1990, as Title IV of the Americans with Disabilities Act of 1990 (ADA), Public Law 101–336, 104 Stat. 327, 366–69.

Total Annual Burden: 473,809 hours.

Total Annual Cost: $41,000.

Nature and Extent of Confidentiality: Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC's updated system of records notice (SORN), FCC/CGB–4, ''Internet-based Telecommunications Relay Service-User Registration Database (ITRS–URD).'' As required by the Privacy Act, 5 U.S.C. 552a, the Commission also published a SORN, FCC/CGB–4 ''Internet-based Telecommunications Relay Service-User Registration Database (ITRS–URD),'' in the **Federal Register** on February 9, 2015 (80 FR 6963) which became effective on March 23, 2015.

Privacy Impact Assessment: This information collection affects individuals or households. As required by the Office of Management and Budget Memorandum M–03–22 (September 26, 2003), the FCC is in the process of completing the Privacy Impact Assessment.

Needs and Uses: On June 10, 2013, the Commission released *Structure and Practices of the Video Relay Service Program et al.,* FCC 13–82, published at 78 FR 40582, July 5, 2013 (*2013 VRS Reform Order*), adopting further measures to improve the structure, efficiency, and quality of the video relay service (VRS) program, reducing the noted inefficiencies in the program, as well as reducing the risk of waste, fraud, and abuse, and ensuring that the program makes full use of advances in commercially-available technology. In this Order, the Commission (1) required reporting of unauthorized and unnecessary use of VRS; (2) required provider certification of annual compliance plans; (3) established a central telecommunications relay services (TRS) user registration database (TRS–URD) which incorporates a centralized eligibility verification requirement to ensure accurate registration and verification of users, as well as per-call validation, to achieve more effective prevention of waste, fraud, and abuse; (4) established procedures to prevent unauthorized changes of a user's default TRS provider; and (5) established procedures to protect TRS users' customer proprietary network information (CPNI) from disclosure.

On March 23, 2017, the Commission released *Structure and Practices of the Video Relay Services Program et al.,* FCC 17–26, published at 82 FR 17754, April 13, 2017, (*2017 VRS Improvements Order*), which among other things, (1) allows VRS providers to assign TRS Numbering Directory 10-digit telephone numbers to hearing individuals for the limited purpose of making point-to-point video calls, and (2) gives VRS providers the option to participate in an at-home call handling pilot program, subject to certain limitations, as well as recordkeeping and reporting requirements.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2017–12064 Filed 6–9–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: Tuesday, June 6, 2017 at 10:00 a.m. and its continuation at the conclusion of the open meeting on June 8, 2017.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting was closed to the public.

Federal Register Notice of Previous Announcement—82 FR 25288

Items Also Discussed

Matters relating to internal personnel decisions, or internal rules and practices.

Information for which disclosure would constitute an unwarranted invasion of privacy.

Investigatory records compiled for law enforcement purposes and production would disclose investigative techniques.

Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Laura E. Sinram,

Acting Deputy Secretary of the Commission.

[FR Doc. 2017–12212 Filed 6–8–17; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 7, 2017.

A. Federal Reserve Bank of Philadelphia (William Spaniel, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521. Comments can also be sent electronically to *Comments.applications@phil.frb.org:*

1. *Bryn Mawr Bank Corporation,* Bryn Mawr, Pennsylvania; to merge with Royal Bancshares of Pennsylvania, Inc., Narberth, Pennsylvania, and thereby indirectly acquire Royal Bank, Narberth, Pennsylvania.

B. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Bank First National Corporation,* Manitowoc, Wisconsin; to merge with Waupaca Bancorporation, Inc. and thereby indirectly acquire First National Bank, both of Waupaca, Wisconsin.

Board of Governors of the Federal Reserve System, June 7, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–12084 Filed 6–9–17; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[30-Day–17–17OB]

Agency Forms Undergoing Paperwork Reduction Act Review

The Agency for Toxic Substances and Disease Registry (ATSDR) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) 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; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Characterization of Exposure Potential during Activities Conducted on Synthetic Turf with Crumb Rubber Infill—New—Agency for Toxic Substances and Disease Registry (ATSDR).

Background and Brief Description

Currently in the United States, there are more than 12,000 synthetic turf fields in use. While the Synthetic Turf Council has set guidelines for the content of crumb rubber used as infill in synthetic turf fields, manufacturing processes result in differences among types of crumb rubber. Additionally, the chemical composition may vary highly between different processes and source materials and may vary even within granules from the same origin.

In July, 2016, the Agency for Toxic Substances and Disease Registry (ATSDR) and the United States Environmental Protection Agency (US EPA) were granted an emergency Paperwork Reduction Act (PRA) clearance for a research study titled ''Collections Related to Synthetic Turf Fields with Crumb Rubber Infill'' (OMB

Control No. 0923–0054, expiration date 01/31/2017). The research goals for the three activities in the protocol are pilot-level investigations to evaluate and characterize: The chemical composition and use of crumb rubber infill in synthetic turf using a convenience sample of nine tire recycling manufacturing plants and 40 facilities that use synthetic turf fields (Activity 1); The human exposure potential to constituents in crumb rubber infill among a convenience sample of 60 field users (Activity 2); and collection of biological specimens (blood and urine) from 45 participants from Activity 2 (Activity 3).

By December, 2016, ATSDR and US EPA completed Activity 1 which was aimed at characterizing the chemical composition and use of synthetic turf fields with tire crumb rubber infill. The agencies successfully consented and sampled 40 synthetic turf fields with crumb rubber infill across the United States. The activities are reported in the ''Status Report on the Federal Research Action Plan on Recycled Tire Crumb Used on Playing Fields and Playgrounds,'' which was released on December 30, 2016.

During Activity 1, ATSDR and US EPA obtained permission to return to some of the participating fields to complete the human exposure characterization. Due to the limited time constraints and field activity schedules, ATSDR and US EPA chose to begin Activity 2 data collection and Activity 3 specimen collection in 2017.

The agencies are submitting a new information collection request (ICR) for a one-year PRA clearance to complete Activity 2 and Activity 3, now subtitled ''Characterization of Exposure Potential during Activities Conducted on Synthetic Turf with Crumb Rubber Infill.'' This will be the first assessment of activities conducted on synthetic turf for the purpose of characterizing potential exposure patterns. The study will include persons who use synthetic turf with crumb rubber infill (*e.g.,* facility users) and who routinely perform activities that would result in a high level of contact to crumb rubber. This will allow for the evaluation of potential high-end exposures to constituents in synthetic turf among this group of users. The respondents will be administered a detailed questionnaire on activity patterns on synthetic turf with crumb rubber infill. This instrument, along with extant videography of persons engaged in activities of interest (see below), will be used to characterize exposure scenarios, including the nature and duration of potential exposures.

The research study will screen a total of 75 participants for eligibility. The sample size for the Activity 2 exposure characterization is 60 respondents. For Activity 3, we will conduct an exposure measurements sub-study among 45 of the 60 respondents, including field environmental sampling, personal air monitoring, dermal sampling, and urine and blood collection. Video data collection of facility user activities will be performed for a further subset of 24 of the Activity 2 respondents. It is likely that some of the collection items will not be analyzed in the current project time frame but will be archived for future analysis.

The total estimated annual time burden requested for this research activity equals 174 hours. There is no cost to the respondents other than their time in the study.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Adult/Adolescent Facility Users	Eligibility Screening Script	41	1	5/60
	Adult and Adolescent Questionnaire	36	1	30/60
	Exposure Measurement Form	27	1	3
	Phlebotomist Safety Exclusion Questions Form.	27	1	2/60
Parents/Guardians of Youth/Child Facility Users.	Eligibility Screening Script	34	1	5/60
	Youth and Child Questionnaire	24	1	30/60
	Phlebotomist Safety Exclusion Questions Form.	18	1	2/60
Youth/Child Facility Users	Exposure Measurement Form	18	1	3

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–12061 Filed 6–9–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of a single-source supplement for Funding Opportunity Announcement (FOA) CK16–003, Pre-travel Health Preparation of International Travelers: Expanding and Improving Data Collection, Guidance, and Outreach.

Time and Date: 12:00 p.m.–2:00 p.m., EDT, July 18, 2017 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion and evaluation of a single-source supplement application for ''Pre-travel Health Preparation of

International Travelers: Expanding and Improving Data Collection, Guidance, and Outreach'', CK16–003.

Contact Person for More Information: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, 1600 Clifton Road NE., Mailstop E60, Atlanta, Georgia 30333, Telephone: (404) 718–8833.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017–12124 Filed 6–9–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

World Trade Center Health Program Scientific/Technical Advisory Committee: Notice of Charter Renewal

This gives notice under Public Law 111–347 (The James Zadroga 9/11 Health and Compensation Act of 2010) and the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the World Trade Center Health Program Scientific/Technical Advisory Committee, Centers for Disease Control and Prevention, Department of Health and Human Services, has been renewed for a 2-year period through May 12, 2019.

For information, contact Paul J. Middendorf, Ph.D., Designated Federal Officer, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services, 2400 Century Parkway NE., Mail Stop E–20, Atlanta, Georgia 30345, telephone 1 (888) 982–4748; email: *wtc-stac@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017–12125 Filed 6–9–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–17–17ABB]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) 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; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

ZEN Colombia Study: Zika in Pregnant Women and Children in Colombia—New—Pregnancy and Birth Defects Task Force, National Center on Birth Defects and Developmental Disabilities, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Zika virus (ZIKV) infection is a mosquito-borne flavivirus transmitted by *Aedes* species mosquitoes, and also through sexual and mother-to-child transmission; laboratory-acquired infections have also been reported. Evidence of human ZIKV infection was observed sporadically in Africa and Asia prior to 2007, when an outbreak of ZIKV caused an estimated 5,000 infections in the State of Yap, Federated States of Micronesia. Since then, evidence of ZIKV has been found in 65 countries and territories, mostly in Central and South America. Common symptoms of ZIKV in humans include rash, fever, arthralgia, and nonpurulent conjunctivitis. The illness is usually mild and self-limited, with symptoms lasting for several days to a week; however, based on previous outbreaks, some infections are asymptomatic. The prevalence of asymptomatic infection in the current Central and South American epidemic is unknown.

Although the clinical presentation of ZIKV infection is typically mild, ZIKV infection in pregnancy can cause microcephaly and related brain abnormalities when fetuses are exposed *in utero.* Other adverse pregnancy outcomes related to ZIKV infection remain under study, and include pregnancy loss, other major birth defects, arthrogryposis, eye abnormalities, and neurologic abnormalities.

As the spectrum of adverse health outcomes potentially related to ZIKV infection continues to grow, large gaps remain in our understanding of ZIKV infection in pregnancy. These include the full spectrum of adverse health outcomes in pregnant women, fetuses, and infants associated with ZIKV infection; the relative contributions of sexual transmission and mosquito-borne transmission to occurrence of infections in pregnancy; and variability in the risk of adverse fetal outcomes by gestational week of maternal infection or symptoms of infection. There is an urgency to fill these large gaps in our understanding given the rapidity of the epidemic's spread and the severe health outcomes associated with ZIKV to date.

Colombia's Instituto Nacional de Salud (INS) began surveillance for ZIKV in 2015, reporting the first autochthonous transmission in October 2015 in the north of the country. As of October 2016, Colombia has reported over 105,000 suspected ZIKV cases, with over 19,000 of them among pregnant women. With a causal link established between ZIKV infection in pregnancy and microcephaly, there is an urgent need to understand: How ZIKV transmission can be prevented; the full spectrum of adverse maternal, fetal, and infant health outcomes associated with ZIKV infection; and risk factors for occurrence of these outcomes. To answer these questions, INS and the U.S. Centers for Disease Control and Prevention (CDC) will follow 5,000 women enrolled in the first trimester of pregnancy, their male partners, and their infants, in various cities in Colombia where ZIKV transmission is currently ongoing.

The primary study objectives are to: (1) Describe the sociodemographic and clinical characteristics of the study population; (2) Identify risk factors for ZIKV infection in pregnant women and their infants. These include behaviors such as use of mosquito-bite prevention measures or condoms, and factors associated with maternal-to-child transmission; (3) Assess the risk for adverse maternal, fetal, and infant outcomes associated with ZIKV infection; (4) Assess modifiers of the risk for adverse outcomes among pregnant women and their infants following ZIKV infection. This includes investigating associations with gestational age at infection, presence of ZIKV symptoms, extended viremia, mode of transmission, prior infections or immunizations, and co-infections.

The project aims to enroll approximately 5,000 women, 1,250 male partners, and 4,500 newborns. Pregnant women will be recruited in the first trimester of pregnancy for study enrollment, followed by assessments during pregnancy (every other week until 32 weeks gestation and monthly thereafter), and within 10 days postpartum. At all visits, participants will complete visit-specific questionnaires. In addition to the questionnaires, at all pregnancy and delivery visits, participants will receive Colombian national recommended clinical care and provide samples for laboratory testing.

Male partners will be recruited around the time of the pregnant partners' study enrollment, followed by monthly visits until his pregnant partner reaches the third trimester (approximately 27 weeks gestation). If the male partner contracts ZIKV during this time, visits will occur every other week until the partner has two negative consecutive tests for ZIKV or the pregnancy ends. At all study visits, male partners will complete visit-specific questionnaires and provide samples for laboratory testing.

All newborns of mothers participating in the study will be followed every other week from birth to 6 months of age. At all visits, infants will receive national recommended clinical care (at birth and clinic visits at 1, 2, and 6 months), provide samples for laboratory testing, and mothers will complete study-specific questionnaires about infant ZIKV symptoms and developmental milestones. During follow-up, infants will also have cranial ultrasounds, their head circumference measured, and hearing and vision tests. For mothers and their infants, relevant information collected as part of clinical care will be abstracted from medical records. Study results will be used to guide recommendations made by both INS and CDC to prevent ZIKV infection; to improve counseling of patients about risks to themselves, their pregnancies, their partners, and their infants; and to help agencies prepare to provide services to affected children and families. Participation in this study is voluntary. The estimated number of annual Burden Hours are 20,548 and there are no costs to participants other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Pregnant women	Pregnant women eligibility questionnaire	3,125	1	5/60
	Pregnant women enrollment questionnaire	2,500	1	35/60
	Adult symptom questionnaire	2,500	15	10/60
	Pregnant women follow-up questionnaire	2,500	8	15/60
	Infant symptoms questionnaire	2,250	14	10/60
	Infant Ages and Stages Questionnaire: 2 Month.	2,250	1	15/60
	Infant Ages and Stages Questionnaire: 6 Month.	2,250	1	15/60
Male partners	Male partner eligibility questionnaire	2,500	1	5/60
	Male enrollment questionnaire	625	1	25/60
	Adult symptom questionnaire	625	7	10/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–12059 Filed 6–9–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–17–17BZ]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your

comments should address any of the following: (a) 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; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Project PrIDE (PrEP Implementation, Data to Care & Evaluation)—New—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Approximately 50,000 people in the United States are newly infected with HIV each year. Gay, bisexual, and other men who have sex with men (MSM) remain the US population most heavily affected by HIV infection. Among MSM, those who are black and Hispanic comprise 58% of all new infections. To address the burden of HIV in this population, high impact HIV prevention approaches should be implemented by state, local, and territorial health departments to reduce new HIV infections among MSM of color, and to improve outcomes along the HIV continuum of care for MSM of color living with HIV.

Antiretroviral (ARV) medications for pre-exposure prophylaxis (PrEP) can be used for HIV prevention by MSM at substantial risk for HIV acquisition or by those with a possible HIV exposure in the past 72 hours post-exposure prophylaxis (nPEP). The daily use of co-formulated tenofovir disoproxil fumarate and emtricitabine (marketed as Truvada) for PrEP has been proven to significantly reduce the risk of HIV acquisition among sexually active MSM. In July 2012, the US Food and Drug Administration approved an HIV prevention indication for Truvada, and in May 2014 CDC published clinical practice guidelines for provision of PrEP. Given the high incidence of HIV among MSM of color, those who are sexually active are considered at risk for HIV acquisition and thus could benefit from prevention services such as routine and frequent HIV screening with lab-based 4th generation HIV tests, routine screening for STDs, assessment of PrEP eligibility, provision of PrEP (if at substantial risk for HIV acquisition), provision of nPEP (if a possible HIV exposure occurred in the past 72 hours), and/or other risk reduction interventions.

Among people living with HIV (PLWH), ARV treatment can suppress HIV viral load, which both improves health outcomes of individuals and reduces the risk of HIV transmission. Two studies, one that demonstrated the effectiveness of ARV treatment in preventing HIV transmission, and one that demonstrated improved health outcomes for individuals whose ARV treatment was initiated immediately, have led to increased public health focus on interventions and strategies designed to initiate ARV treatment, link, retain, and re-engage PLWH in HIV care, and to provide support for adherence to ARV medications.

The purpose of the project is to implement PrEP demonstration projects. Health departments that are funded under this cooperative agreement will be required to prioritize their services to MSM and transgender persons at high risk of HIV infection, particularly persons of color. PrEP services may also be provided to HIV-negative persons at substantial risk for HIV who are not MSM or transgender. Additionally, Data to Care services may be provided to persons diagnosed with HIV infection and out of care, those who are in care but not virally suppressed, or those who have ongoing risk behavior who are not MSM or transgender.

The goals of PrIDE are consistent with the long-term goals of the National HIV/AIDS Strategy (NHAS) including reducing HIV incidence, increasing access to HIV care and optimizing health outcomes, and reducing HIV-related health disparities.

To evaluate the impact of PrIDE in the 12 jurisdictions, data will be collected from both existing CDC data sources and through new data collection activities.

CDC HIV program grantees will collect, enter or upload, and report agency-identifying information, budget data, information on the HIV prevention and care services, and client demographic characteristics. The total annual burden hours are 1,104.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Clients	Data Elements	2,400	1	25/60
Health Departments	Data Management Upload	12	2	20/60
Health Departments	Performance Progress Report	12	1	8

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–12060 Filed 6–9–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Healthcare Infection Control Practices Advisory Committee (HICPAC)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), National Center for Emerging and Zoonotic Infectious Diseases (NCEZID) announces a meeting of the aforementioned committee:

Times and Dates:

9:00 a.m.–5:00 p.m., EDT, July 13, 2017
9:00 a.m.–12:00 p.m., EDT, July 14, 2017

Place: Centers for Disease Control and Prevention, Global Communications Center, Building 19, Auditorium B, 1600 Clifton Road NE., Atlanta, Georgia, 30329.

Status: Open to the public, limited only by the space available. Time will be available for public comment. The public is welcome to submit written comments in advance of the meeting. Comments should be submitted in writing by email to the contact person listed below. The deadline for receipt is June 30, 2017. All requests must contain the name, address, and organizational affiliation of the speaker, as well as the topic being addressed. Written comments should not exceed one single-spaced typed page in length and delivered in 3 minutes or less. Members of the public who wish to provide public comments should plan to attend the public comment session at the start time listed. Please note that the public comment period may end before the time indicated on the agenda, following the last call for comments. Written comments received in advance of the meeting will be included in the official record of the meeting.

Purpose: The Committee is charged with providing advice and guidance to the Director, Division of Healthcare Quality Promotion (DHQP), the Director, National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), the Director, CDC, the Secretary, Health and Human Services regarding (1) the practice of healthcare infection prevention and control; (2) strategies for surveillance, prevention, and control of infections, antimicrobial resistance, and related events in settings where healthcare is provided; and (3) periodic updating of CDC guidelines and other policy statements regarding prevention of healthcare-associated infections and healthcare-related conditions.

Matters for Discussion: The agenda will include updates on CDC's activities for prevention of healthcare associated infections (HAIs), an update on the Division of Healthcare Quality Promotion's (DHQP) modeling activities, updates on the Guideline for Prevention of Infection in Neonatal Intensive Care Unit (NICU) Patients and the Guideline for Prevention of Infection in Healthcare Personnel, and updates from the following HICPAC workgroups: The workgroup on antibiotic stewardship principles for inclusion into clinical practice guidelines, the workgroup on updating the CDC recommendation categorization scheme, the workgroup on developing CDC recommendations for products and practices, and the National Healthcare Safety Network (NHSN) Surveillance Workgroup.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Erin Stone, M.A., HICPAC, Division of Healthcare Quality Promotion, NCEZID, CDC, l600 Clifton Road NE., Mailstop A–07, Atlanta, Georgia 30329, Telephone (404) 639–4045. Email: *hicpac@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017–12122 Filed 6–9–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Secondary Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the secondary review of applications in response to Funding Opportunity Announcements (FOAs), CE17–003, Research Grants for Preventing Violence and Violence Related Injury (R01); and PHS 2016–02 Omnibus Solicitation of the NIH, CDC FDA, and ACF for Small Business Innovation Research Grant Applications (Parent SBIR [R43/R44]).

Time and Date: 8:00 a.m.–5:00 p.m., EDT, July 18, 2017 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the secondary review, discussion, and evaluation of applications received in response to FOAs ''Research Grants for Preventing Violence and Violence Related Injury (R01)'', CE17–003; and ''PHS 2016–02 Omnibus Solicitation of the NIH, CDC FDA, and ACF for Small Business Innovation Research Grant Applications (Parent SBIR [R43/R44])''.

Contact Person for More Information: Gwendolyn H. Cattledge, Ph.D., M.S.E.H., Deputy Associate Director for Science, National Center for Injury Prevention and Control, CDC, 4770 Buford Highway NE., Mailstop F–63, Atlanta, Georgia 30341, Telephone (770) 488–1430.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and

Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017–12123 Filed 6–9–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0493]

Agency Information Collection Activities; Proposed Collection; Comment Request; Utilization of Adequate Provision Among Low to Non-Internet Users

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on research entitled ''Utilization of Adequate Provision among Low to Non-Internet Users.''

DATES: Submit either electronic or written comments on the collection of information by August 11, 2017.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–N–0493 for ''Utilization of Adequate Provision among Low to Non-Internet Users.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

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

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

FOR FURTHER INFORMATION CONTACT: *For copies of the questionnaire:* Office of Prescription Drug Promotion Research Team, *DTCresearch@fda.hhs.gov. For questions on the PRA:* JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques,

when appropriate, and other forms of information technology.

Utilization of Adequate Provision Among Low to Non-Internet Users; OMB Control Number 0910–NEW

I. Background

Section 1701(a)(4) of the Public Health Service Act (42 U.S.C. 300u(a)(4)) authorizes FDA to conduct research relating to health information. Section 1003(d)(2)(C) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 393(d)(2)(C)) authorizes FDA to conduct research relating to drugs and other FDA regulated products in carrying out the provisions of the FD&C Act.

Prescription drug advertising regulations require that broadcast advertisements containing product claims present the product's major side effects and contraindications in either audio or audio and visual parts of the advertisement (21 CFR 202.1(e)(1)); this is often called the major statement. The regulations also require that broadcast advertisements contain a brief summary of all necessary information related to side effects and contraindications or that ''adequate provision'' be made for dissemination of the approved package labeling in connection with the broadcast (21 CFR 202.1(e)(1)). The requirement for adequate provision is generally fulfilled when a firm gives consumers the option of obtaining FDA-required labeling or other information via a toll-free telephone number, through print advertisements or product brochures, through information disseminated at health care provider offices or pharmacies, and through the Internet (Ref. 1). The purpose of including all four elements is to ensure that most of a potentially diverse audience can access the information.

Internet accessibility is increasing, but many members of sensitive demographic groups (*e.g.,* older adults, low socioeconomic status individuals) nonetheless report that the Internet is inaccessible to them either as a resource or due to limited knowledge, and so a Web site alone may not adequately serve all potential audiences (Refs. 2 and 3). Similarly, some consumers may prefer to consult sources other than a health care provider to conduct initial research, for privacy reasons or otherwise (Refs. 1, 4, and 5). In light of these considerations, the 1–800 number and print ad may provide special value to consumers who are low to non-Internet users and/or those who value privacy when conducting initial research on a medication, though not necessarily unique value relative to one another. As such, a primary purpose of this research is to examine the value of including both the 1–800 number and print ad as part of adequate provision in direct-to-consumer (DTC) prescription drug broadcast ads. Secondarily, we will also investigate the ability and willingness of low to non-Internet users to make use of Internet resources if other options were unavailable. These questions will be assessed using a survey methodology administered via telephone.

In addition, building on concurrent FDA research regarding drug risk information,[1] we will assess risk perceptions as influenced by opening statements that could be used to introduce risks in DTC prescription drug broadcast ads. Opening statements may be used to frame risk information that follows. As such, consumers may interpret the likelihood, magnitude, and duration of risks differently depending on how those risks are introduced (Refs. 6–9). The intended outcome of this component of the research is to evaluate the influence of these opening statements within a sample of low to non-Internet users. This research question will be addressed using a 1 × 3 between-subjects experimental design embedded in the previously mentioned survey. This particular component of the research will serve as an exploratory test intended to inform FDA's future research efforts.

Sampling Frame. Given that older adults (*i.e.,* those aged 65 and older) are among the largest consumers of prescription drugs (Ref. 10) and that approximately 41 percent of older adults do not use the Internet (Ref. 2), investigating use of adequate provision in this population is especially important. Also of concern, 34 percent of those with less than a high school education do not use the Internet, 23 percent of individuals with household incomes lower than $30,000 per year do not use the Internet, and 22 percent of individuals living in rural areas do not use the Internet (Ref. 2). These estimates capture non-Internet users, and so consideration of low-Internet users warrants additional concern. Consistent with these citations, the present research will utilize a nationally representative sample of low to non-Internet users from these and other relevant demographic groups.

Data collection will utilize a random digit dialing (RDD) sample that has been pre-identified as being a non-Internet household, or having at least one non-Internet using member. This sample solution is ideal because it relies on a dual-frame (landline and cell phone) probability-sample, yet has the advantage of prior knowledge of those who are likely to be low to non-Internet users (re-screening will verify this). The Social Science Research Solutions (SSRS) Omnibus, within which this survey will be embedded, utilizes a sample designed to represent the entire adult U.S. population, including Hawaii and Alaska, and including bilingual (Spanish-speaking) respondents. As reflected in the overall population of low to non-Internet users, we intend to collect a small sample of Spanish-speaking individuals, which comprise a subsample of the regular landline and cell phone RDD sampling frames. We may also screen for past and present prescription drug use in order to ensure a motivated sample.

Survey Protocol. This survey will be conducted by telephone on landline and cell phones, with an expected 50 to 60 percent of interviews conducted on cell phones. Interviewing for the pretest and main study will be conducted via SSRS's computer-assisted telephone interviewing (CATI) system. We expect to achieve a roughly 40 percent survey completion rate from the pre-identified respondents to be sampled in this study, given an 8-week field period and a maximum of 10 attempts to reach respondents. The original SSRS Omnibus from which this sample is derived receives an approximately 8 to 12 percent response rate. These are not uncommon response rates for high-quality surveys and have been found to yield accurate estimates (Refs. 11 and 12).

As communicated earlier, the primary focus of interview questions concern the ability and willingness of low to non-Internet users to utilize the various components of adequate provision, particularly the 1–800 number and print ad components. In addition to these questions, experimental manipulations will be embedded in the survey as an exploratory test to assess the impact of opening statements that could be used to introduce risks in DTC prescription drug broadcast ads, which is a related concept. To form the experimental manipulations, participants will be presented with a statement of major risks and side effects (''the major statement'') drawn from a real prescription drug product, but modified to include only serious and actionable risks. Preceding this description of major risks will be one of three opening statements: (1) ''[Drug] can cause severe, life threatening reactions. These include

[1] *https://www.federalregister.gov/documents/2015/01/13/2015-00269/agency-information-collection-activities-submission-for-office-of-management-and-budget-review.*

. . .''; (2) ''[Drug] can cause serious reactions. These include . . .''; or (3) ''[Drug] can cause reactions. These include . . .'' All risk statements will conclude with the following language: ''This is not a full list of risks and side effects. Talk to your doctor and read the patient labeling for more information.'' Participants will be randomly assigned to experimental condition, and all manipulations will be pre-recorded to allow for consistent administration. Following exposure to these manipulations, participants will respond to several questions designed to assess risk perceptions.

Before the main study, we will execute a pretest with a sample of 25 participants from the same sampling frame as outlined in this document. The pretest questionnaire will take approximately 15 minutes to complete. The goal of the pretest will be to assess the questionnaire's format and the general protocol to ensure that the main study is ready for execution. To test the protocol among the target groups, we will seek to recruit a mix of participants based on demographic and other characteristics of interest. We do not plan to use incentives for the pretest or main study portions of this survey. However, upon request, cell phone respondents may be offered $5 to cover the cost of their cell phone minutes.

Questionnaire development is an iterative process and so the main study questionnaire will include any changes from pretesting, as well as other outcomes, such as OMB and public comments, or cognitive interviewing. Like pretesting, the main study questionnaire should take approximately 15 minutes to complete. Based on a power analyses, the main study sample will include approximately 1,996 participants. This sample size will allow us to draw statistical comparisons between the various demographic groups in the sample.

Measurement and Planned Analyses. Consistent with the larger purpose of the study, survey questions will examine access, technical ability, and willingness to use adequate provision options; preference for and experience using adequate provision options; privacy concerns; and potentially other secondary questions of interest. In addition, to assess the impact of the experimental manipulations, survey questions will assess perceived risk likelihood, perceived risk magnitude, and perceived risk duration. Demographic information will also be collected. To examine differences between experimental conditions, we will conduct inferential statistical tests such as analysis of variance. A copy of the draft questionnaire is available upon request.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Pretest Screener	63	1	63	0.05 (3 minutes)	3.15
Pretest Survey	25	1	25	0.25 (15 minutes).	6.25
Main Study Screener	4,990	1	4,990	0.05 (3 minutes)	249.5
Main Study Survey	1,996	1	1,996	0.25 (15 minutes).	499
Total Hours					757.9

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

II. References

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9. Armstrong, K., J. S. Schwartz, G. Fitzgerald, et al. (2002). ''Effect of Framing as Gain Versus Loss on Understanding and Hypothetical Treatment Choices: Survival and Mortality Curves.'' *Medical Decision Making,* 22: pp. 76–83.
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12. Groves, R. M. (2006). ''Nonresponse Rates and Nonresponse Bias in Household Surveys.'' *Public Opinion Quarterly,* 70: pp. 646–675.

Dated: June 5, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–12067 Filed 6–9–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0618]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Electronic Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by July 12, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0025. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Electronic Products OMB Control Number 0910–0025—Reinstatement

Under sections 532 through 542 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360ii through 360ss), FDA has the responsibility to protect the public from unnecessary exposure of radiation from electronic products. The regulations issued under these authorities are listed in Title 21 of the Code of Federal Regulations, chapter I, subchapter J, parts 1000 through 1050 (21 CFR parts 1000 through 1050).

Section 532 of the FD&C Act directs the Secretary of Health and Human Services (the Secretary), to establish and carry out an electronic product radiation control program, including the development, issuance, and administration of performance standards to control the emission of electronic product radiation from electronic products. The program is designed to protect the public health and safety from electronic radiation, and the FD&C Act authorizes the Secretary to procure (by negotiation or otherwise) electronic products for research and testing purposes and to sell or otherwise dispose of such products. Section 534(g) of the FD&C Act directs the Secretary to review and evaluate industry testing programs on a continuing basis; and section 535(e) and (f) of the FD&C Act directs the Secretary to immediately notify manufacturers of, and ensure correction of, radiation defects or noncompliance with performance standards. Section 537(b) of the FD&C Act contains the authority to require manufacturers of electronic products to establish and maintain records (including testing records), make reports, and provide information to determine whether the manufacturer has acted in compliance.

The regulations under parts 1002 through 1010 specify reports to be provided by manufacturers and distributors to FDA and records to be maintained in the event of an investigation of a safety concern or a product recall. FDA conducts laboratory compliance testing of products covered by regulations for product standards in parts 1020, 1030, 1040, and 1050.

FDA details product-specific performance standards that specify information to be supplied with the product or require specific reports. The information collections are either specifically called for in the FD&C Act or were developed to aid the Agency in performing its obligations under the FD&C Act. The data reported to FDA and the records maintained are used by FDA and the industry to make decisions and take actions that protect the public from radiation hazards presented by electronic products. This information refers to the identification of, location of, operational characteristics of, quality assurance programs for, and problem identification and correction of electronic products. The data provided to users and others are intended to encourage actions to reduce or eliminate radiation exposures.

FDA uses the following forms to aid respondents in the submission of information for this information collection:

Form FDA 2579 ''Report of Assembly of a Diagnostic X-Ray System''
Form FDA 2767 ''Notice of Availability of Sample Electronic Product''
Form FDA 2877 ''Declaration for Imported Electronic Products Subject to Radiation Control Standards''
Form FDA 3649 ''Accidental Radiation Occurrence (ARO)''
Form FDA 3626 ''A Guide for the Submission of Initial Reports on Diagnostic X-Ray Systems and Their Major Components''
Form FDA 3627 ''Diagnostic X-Ray CT Products Radiation Safety Report''
Form FDA 3628 ''General Annual Report (Includes Medical, Analytical, and Industrial X-Ray Products Annual Report)''
Form FDA 3629 ''Abbreviated Report''
Form FDA 3630 ''Guide for Preparing Product Reports on Sunlamps and Sunlamp Products''
Form FDA 3631 ''Guide for Preparing Annual Reports on Radiation Safety Testing of Sunlamp Products''
Form FDA 3632 ''Guide for Preparing Product Reports on Lasers and Products Containing Lasers''
Form FDA 3633 ''General Variance Request''
Form FDA 3634 ''Television Products Annual Report''
Form FDA 3635 ''Laser Light Show Notification''
Form FDA 3636 ''Guide for Preparing Annual Reports on Radiation Safety Testing of Laser and Laser Light Show Products''
Form FDA 3637 ''Laser Original Equipment Manufacturer (OEM) Report''
Form FDA 3638 ''Guide for Filing Annual Reports for X-Ray Components and Systems''
Form FDA 3639 ''Guidance for the Submission of Cabinet X-Ray System Reports Pursuant to 21 CFR 1020.40''
Form FDA 3640 ''Reporting Guide for Laser Light Shows and Displays''
Form FDA 3147 ''Application for a Variance From 21 CFR 1040.11(c) for a Laser Light Show, Display, or Device''
Form FDA 3641 ''Cabinet X-Ray Annual Report''
Form FDA 3642 ''General Correspondence''
Form FDA 3643 ''Microwave Oven Products Annual Report''
Form FDA 3644 ''Guide for Preparing Product Reports for Ultrasonic Therapy Products''
Form FDA 3645 ''Guide for Preparing Annual Reports for Ultrasonic Therapy Products''
Form FDA 3646 ''Mercury Vapor Lamp Products Radiation Safety Report''
Form FDA 3647 ''Guide for Preparing Annual Reports on Radiation Safety Testing of Mercury Vapor Lamps''
Form FDA 3659 ''Reporting and Compliance Guide for Television Products''
Form FDA 3660 ''Guidance for Preparing Reports on Radiation Safety of Microwave Ovens''
Form FDA 3661 ''A Guide for the Submission of an Abbreviated Report on X-Ray Tables, Cradles, Film Changers or Cassette Holders Intended for Diagnostic Use''

Form FDA 3662 ''A Guide for the Submission of an Abbreviated Radiation Safety Report on Cephalometric Devices Intended for Diagnostic Use''
Form FDA 3663 ''Abbreviated Reports on Radiation Safety for Microwave Products (Other than Microwave Ovens)''
Form FDA 3801 ''Guide for Preparing Initial Reports and Model Change Reports on Medical Ultraviolet Lamps and Products Containing Such Lamps''

The respondents to this information collection are electronic product and x-ray manufacturers, importers, and assemblers. The burden estimates were derived by consultation with FDA and industry personnel, and are based on data collected from industry, including recent product report submissions. An evaluation of the type and scope of information requested was also used to derive some time estimates.

In the **Federal Register** of November 10, 2016 (81 FR 79030), FDA published a 60-day notice requesting public comment on the proposed collection of information.

FDA received five comments relating to potential changes to the process by which the FDA distributes and collects Form FDA 2579, ''Report of Assembly of a Diagnostic X-Ray System.'' While these comments were not responsive to the four information collection-related topics on which we requested comment, FDA would like to provide assurance that these comments have been noted and are being considered as part of FDA's efforts to review the process by which Form FDA 2579 is distributed and collected.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1] [2]

Activity/21 CFR section	FDA form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Product reports—1002.10(a) through (k)	3626—Diagnostic x-ray; 3627—CT x-ray; 3639—Cabinet x-ray; 3632—Laser; 3640—Laser light show; 3630—Sunlamp; 3646—Mercury vapor lamp; 3644—Ultrasonic therapy; 3659—TV; 3660—Microwave oven; 3801—UV lamps.	1,400	2.2	3,080	24	73,920
Product safety or testing changes—1002.11(a) and (b).		480	2.5	1,200	.5 (30 minutes)	600
Abbreviated reports—1002.12	3629—General abbreviated report; 3661—X-ray tables, etc.; 3662—Cephalometric device; 3663—Microwave products (non-oven).	60	1.8	108	5	540
Annual reports—1002.13(a) and (b)	3628—General; 3634—TV; 3638—Diagnostic x-ray; 3641—Cabinet x-ray; 3643—Microwave oven; 3636—Laser; 3631—Sunlamp; 3647—Mercury vapor lamp; 3645—Ultrasonic therapy.	1,660	1.3	2,158	18	38,844
Quarterly updates for new models—1002.13(c).		120	1.4	168	.5 (30 minutes)	84
Accidental radiation occurrence reports—1002.20.	3649—ARO	30	6.7	201	2	402
Exemption requests—1002.50(a) and 1002.51.	3642—General correspondence	4	1.3	5	1	5
Product and sample information—1005.10.	2767—Sample product	5	1	5	.1 (6 minutes)	1
Identification information and compliance status—1005.25.	2877—Imports declaration	12,620	2.5	31,550	.2 (12 minutes)	6,310
Alternate means of certification—1010.2(d).		1	2	2	5	10
Variance—1010.4(b)	3633—General variance request; 3147—Laser show variance request; 3635—Laser show notification.	350	1.1	385	1.2	462
Exemption from performance standards—1010.5(c) and (d).		1	1	1	22	22
Alternate test procedures—1010.13		1	1	1	10	10
Report of assembly of diagnostic x-ray components—1020.30(d), (d)(1), and (2).	2579—Assembler report	1,230	34	41,820	.30 (18 minutes)	12,546
Microwave oven exemption from warning labels—1030.10(c)(6)(iv).		1	1	1	1	1
Laser products registration—1040.10(a)(3)(i).	3637—OEM report	70	2.9	203	3	609
Total						134,366

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Numbers have been rounded.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1] [2]

Activity/21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Manufacturers records—1002.30 and 1002.31(a)	1,650	1,650	2,722,500	.12 (7 minutes)	326,700
Dealer/distributor records—1002.40 and 1002.41	3,110	50	155,500	.05 (3 minutes)	7,775
Information on diagnostic x-ray systems—1020.30(g)	50	1	50	.5 (30 minutes)	25

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1] [2]—Continued

Activity/21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Laser products distribution records—1040.10(a)(3)(ii)	70	1	70	1	70
Total					334,570

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Numbers have been rounded.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1] [2]

Activity/21 CFR section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Technical and safety information for users—1002.3	1	1	1	12	12
Dealer/distributor records—1002.40 and 1002.41	30	3	90	1	90
Television receiver critical component warning—1020.10(c)(4)	1	1	1	1	1
Cold-cathode tubes—1020.20(c)(4)	1	1	1	1	1
Information on diagnostic x-ray systems—1020.30(g)	6	1	6	55	330
Statement of maximum line current of x-ray systems—1020.30(g)(2)	6	1	6	10	60
Diagnostic x-ray system safety and technical information—1020.30(h)(1) through (4)	6	1	6	200	1,200
Fluoroscopic x-ray system safety and technical information—1020.30(h)(5) and (6) and 1020.32(a)(1), (g), and (j)(4)	5	1	5	25	125
CT equipment—1020.33(c), (d), (g)(4), and (j)	5	1	5	150	750
Cabinet x-ray systems information—1020.40(c)(9)(i) and (ii)	6	1	6	40	240
Microwave oven radiation safety instructions—1030.10(c)(4)	1	1	1	20	20
Microwave oven safety information and instructions—1030.10(c)(5)(i) through (iv)	1	1	1	20	20
Microwave oven warning labels—1030.10(c)(6)(iii)	1	1	1	1	1
Laser products information—1040.10(h)(1)(i) through (vi)	3	1	3	20	60
Laser product service information—1040.10(h)(2)(i) and (ii)	3	1	3	20	60
Medical laser product instructions—1040.11(a)(2)	2	1	2	10	20
Sunlamp products instructions—1040.20	1	1	1	10	10
Mercury vapor lamp labeling—1040.30(c)(1)(ii)	1	1	1	1	1
Mercury vapor lamp permanently affixed labels—1040.30(c)(2)	1	1	1	1	1
Ultrasonic therapy products—1050.10(d)(1) through (4), (f)(1), and (f)(2)(iii)	1	1	1	56	56
Total					3,058

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Numbers have been rounded.

Dated: May 25, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–12104 Filed 6–9–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0001]

Science Board to the Food and Drug Administration Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Science Board to the Food and Drug Administration. The general function of the committee is to provide advice to the Commissioner of Food and Drugs and other appropriate officials on specific, complex scientific and technical issues important to FDA and its mission, including emerging issues within the scientific community. Additionally, the Science Board provides advice to the Agency on keeping pace with technical and scientific developments including in regulatory science, input into the Agency's research agenda, and on upgrading its scientific and research facilities and training opportunities. It will also provide, where requested, expert review of Agency sponsored

intramural and extramural scientific research programs. This meeting is open to the public.

DATES: The meeting will be held on June 26, 2017, from 9 a.m. to 2 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31, Rm. 1406, Silver Spring, MD 20993. This meeting will take place via audio Webcast. To access the link for the audio Webcast check the Agency's Web site at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

For those unable to access the audio Webcast, a conference room with a speakerphone will be reserved at the meeting location provided at the beginning of the **ADDRESSES** section. Seating is limited and is available on a first come, first served basis.

FOR FURTHER INFORMATION CONTACT: Rakesh Raghuwanshi, Office of the Chief Scientist, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 3309, Silver Spring MD 20993, 301–796–4769, *rakesh.raghuwanshi@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The Science Board will hear an update on FDA's biotechnology activities related to plant-derived food and animals and will hear a report from the National Antibiotic Resistance Monitoring System Review Subcommittee.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before June 19, 2017. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before June 9, 2017. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by June 12, 2017.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Rakesh Raghuwanshi at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 6, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–12036 Filed 6–9–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: U.S. Department of Health and Human Services.

ACTION: 30-Day notice of submission of information collection approval from the Office of Management and Budget and request for comments.

SUMMARY: As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, U.S. Department of Health and Human Services has submitted a Generic Information Collection Request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery '' to OMB for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et. seq.*).

DATES: Comments on the ICR must be received on or before July 12, 2017.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Report Clearance Officer, *Sherrette.Funn@HHS.GOV* or (202) 795–7714.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of

products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

The Agency received 0 comments were received in response to the 60-day notice published in the **Federal Register** of March 14, 2017 (79 FR 18692).

Current Actions: New collection of information.

Type of Review: New Collection.

Affected Public: Individuals, households, professionals, public/private sector.

Average Expected Annual Number of Activities: 600.

Respondents per Activity: 50.

Annual Responses: 30,000.

Frequency of Response: Once per request.

Average Minutes per Response: 30.

Burden Hours: 500,000 hours annually.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

Darius Taylor,

Deputy Information Collection Officer.

[FR Doc. 2017–12046 Filed 6–9–17; 8:45 am]

BILLING CODE 4150–25–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Epidemiology.

Date: June 19, 2017.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Heidi B Friedman, PhD., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1012A, MSC 7770, Bethesda, MD 20892, 301–379–5632, *hfriedman@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Experimental and Bioinformatic Approaches in the Druggable Genome.

Date: June 26, 2017.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Luis Dettin, PhD., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2208, Bethesda, MD 20892, 301 451 1327, *dettinle@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Mentored Training in Comparative and Veterinary Medicine.

Date: June 27, 2017.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Amy Kathleen Wernimont, PhD., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–6427, *amy.wernimont@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Immigrant Women's Health.

Date: June 30, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Dupont Hotel, 1500 New Hampshire Avenue NW., Washington, DC 20036.

Contact Person: Martha L Hare, RN, PhD., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3154, MSC 7770, Bethesda, MD 20892, (301) 451–8504, *harem@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Acute Brain Injury and Regeneration.

Date: July 3, 2017.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Alexander Yakovlev, PhD., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5206, MSC 7846, Bethesda, MD 20892–7846, 301–435–1254, *yakovleva@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 6, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–12030 Filed 6–9–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: Project—Division of State Programs—Management Reporting Tool (DSP–MRT) (OMB No. 0930–0354)—Revision

The Substance Abuse and Mental Health Services Administration (SAMHSA)'s Center for Substance Abuse Prevention (CSAP) aims to address two of SAMHSA's top substance abuse prevention priorities: Underage drinking (UAD; age 12 to 20) and prescription drug misuse and abuse (PDM; age 12 to 25) through the Division of State Program—Monitoring and Reporting Tool. This data collection will allow all DSP programs to report into a standard tool that aligns with the Strategic Prevention Framework model. This request for data collection includes a revision from a previously approved OMB instrument formally known as Partnerships for Success-Management and Reporting Tool.

Monitoring data on SPF model will allow SAMHSA project officers to systematically collect data to monitor their grant program performance and outcomes along with grantee technical assistance needs. In addition to assessing activities related to the SPF steps, the performance monitoring instruments covered in this statement collect data to assess the following grantee required specific performance measures:

- Number of training and technical assistance activities per funded community provided by the grantee to support communities;
- Reach of training and technical assistance activities (numbers served) provided by the grantee;
- Percentage of subrecipient communities that submit data to the grantee data system;
- Number of sub-recipient communities that improved on one or more targeted NOMs indicators (Outcome);
- Number of grantees who integrate Prescription Drug Monitoring Data into their program needs assessment.

Changes to this package include the following:

- Standard language for all DSP–MRT questions;
- New disparities module to align with SAMHSA's monitoring requirements;
- Updated technical assistance section;
- Deletion of cost questions specific to funding amounts and in-kind resources;
- Deletion of advisory council and other workgroup sub-committee questions;
- Addition of Section A specific to SPF-Rx questions;
- Addition of Section B specific to PDO questions;

ANNUALIZED DATA COLLECTION BURDEN

Instrument	Number of respondents	Responses per respondent	Total number of responses	Hours per response	Total burden hours
Standard DSP Monitoring Tool	117	4	468	3	1,404
Section A: Rx	25	2	63	1	42
Section B: PDO	23	4	100	1	100
FY2020 Total	117		631		1,546

Written comments and recommendations concerning the proposed information collection should be sent by July 12, 2017 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov.* Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2017–12090 Filed 6–9–17; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: Mental Health Block Grant Ten Percent Set Aside Evaluation of First Episode Psychosis—NEW

The Substance Abuse and Mental Health Services Administration (SAMHSA) is directed by Congress through its FY 2016 Omnibus bill, Public Law 114–113, to set aside ten percent of the Mental Health Block Grant (MHBG) allocation for each state to support evidence-based programs that provide treatment for those with early serious mental illness (SMI) and a first episode psychosis (FEP)—an increase from the previous five percent set aside.

The purpose of this 3-year evaluation is to assess the relationship between fidelity of selected coordinated specialty care (CSC) programs supported with Mental Health Block Grant (MHBG) Ten Percent Set Aside funding and participant outcomes. There are approximately 250 sites implementing CSC programs with MHBG ten percent set aside funding. All 250 sites will be asked to report on their implementation through an online survey. Up to 32 CSC sites across the nation will be recruited to participate in a process and outcome evaluation. The data collection activities for the Mental Health Block Grant Ten Percent Set Aside Evaluation will include the following six data collection tools:

- *Site Survey:* This is a one-time online survey with site directors of all 250 centers using MHBG ten percent set aside funding (not just those included in the evaluation). The survey focuses on how centers across the U.S. are providing services to individuals with First Episode Psychosis (FEP) in their communities.

• *State Mental Health Authority Interview:* This is a one-time semi-structured interview with state mental health leadership in the states where the 32 sites in the evaluation are located. The interview focuses on their thoughts and opinions about context in which CSC programs are implemented within their state and the state's role in the implementation of the CSC programs.

• *Agency Director/Administrator Interview:* This semi-structured interview will be conducted twice with Agency Director/Administrators at each of the 32 CSC sites in the evaluation about the successes and challenges involved in implementing the CSC program.

• *Coordinated Specialty Care (CSC) Staff Interview:* This semi-structured interview will be conducted twice with CSC Staff at each of the 32 CSC sites in the evaluation about the successes and challenges involved in implementing the CSC program.

• *Coordinated Specialty Care (CSC) Participant Interview:* This semi-structured interview will be conducted twice with participants involved in programs at the 32 CSC sites in the evaluation. The purpose of the interview is to gather participant input on how CSC programs are operating and their thoughts and opinions about successes and challenges while participating in the CSC program.

• *Fidelity Interview:* This interview will be conducted twice during the evaluation with up to four CSC staff at each site. The phone interview is designed to be used in conjunction with the First Episode Psychosis Fidelity Scale (FEPS–FS) to examine whether elements of CSC are implemented at the sites.

In addition, each site will provide the evaluation team with administrative data on participant demographics and outcomes (*e.g.,* employment status, educational status, diagnosis, living situation, quality of life, symptoms).

TABLE 1—ESTIMATED BURDEN HOURS

Respondent	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden (in hours)
State Department of Mental Health Representative: Telephone Interview	32	1	32	2.0	64
CSC Site Directors across the country: Online survey	250	1	250	0.2	50
Evaluation CSC Site: Program Director on-site interview	64	1	64	2.0	128
Evaluation CSC Site: Program Staff on-site interview	192	1	192	2.0	384
Evaluation CSC Site: Program Staff Fidelity Telephone Interview	64	4	256	4.0	1,024
Evaluation CSC Site: Program Staff data submission	32	18	576	5.0	2,880
Evaluation CSC Site: Program Participant on-site interview	128	1	128	1.0	128
Total	762		1,498		4,658

Written comments and recommendations concerning the proposed information collection should be sent by July 12, 2017 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov.* Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2017–12091 Filed 6–9–17; 8:45 am]

BILLING CODE 4162–20–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–638 (Fourth Review)]

Stainless Steel Wire Rod From India

DETERMINATION

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the antidumping duty order on stainless steel wire rod from India would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

BACKGROUND

The Commission, pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)), instituted this review on December 1, 2016 (81 FR 86728) and determined on March 6, 2017 that it would conduct an expedited review (82 FR 16231, April 3, 2017).

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on June 6, 2017. The views of the Commission are contained in USITC Publication 4695 (June 2017), entitled *Stainless Steel Wire Rod from India: Investigation No. 731–TA–638 (Fourth Review).*

By order of the Commission.

Issued: June 6, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–12037 Filed 6–9–17; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–951]

Certain Lithium Metal Oxide Cathode Materials, Lithium-Ion Batteries for Power Tool Products Containing Same, and Power Tool Products With Lithium-Ion Batteries Containing Same; Notice of the Commission's Determination To Rescind a Limited Exclusion Order

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to rescind

a limited exclusion order prohibiting importation of infringing lithium metal oxide cathode materials based upon settlement.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–3042. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted the underlying investigation on March 30, 2015, based on a complaint filed by BASF Corporation of Florham Park, New Jersey (''BASF'') and UChicago Argonne LLC of Lemont, IL (''Argonne'') (collectively, ''Complainants''). 80 FR 16696 (Mar. 30, 2015). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain lithium metal oxide cathode materials, lithium-ion batteries for power tool products containing same, and power tool products with lithium-ion batteries containing same by reason of infringement of one or more of claims 1–4, 7, 13, and 14 of U.S. Patent No. 6,677,082 (''the '082 patent'') and claims 1–4, 8, 9, and 17 of U.S. Patent No. 6,680,143 (''the '143 patent''). *Id.* The notice of investigation named the following respondents: Umicore N.V. of Brussels, Belgium; Umicore USA Inc. of Raleigh, North Carolina (collectively, ''Umicore''); Makita Corporation of Anjo, Japan; Makita Corporation of America of Buford, Georgia; and Makita U.S.A. Inc. of La Mirada, California (collectively, ''Makita''). *Id.* The Office of Unfair Import Investigations was a party to the investigation.

On November 5, 2015, the ALJ granted a joint motion by Complainants and Makita to terminate the investigation as to Makita based upon settlement. *See* Order No. 32 (Nov. 5, 2015). The Commission determined not to review this order. *See* Notice of Non-Review (Nov. 23, 2015).

On February 29, 2016, the ALJ issued his final initial determination (''ID''), finding a violation of section 337 by Umicore in connection with claims 1–4, 7, 13, and 14 of the '082 patent and claims 1–4, 8, 9, and 17 of the '143 patent. On May 11, 2016, the Commission determined to review the final ID in part. 81 FR 30548–50 (May 17, 2016). The Commission also granted Umicore's request for a Commission hearing. *Id.* On November 17, 2016, the Commission held a hearing on contributory infringement, laches, and the public interest. On review, the Commission determined to affirm the ALJ's finding of violation of section 337 with respect to the claims identified above. 81 FR 93960–62 (Dec. 22, 2016).

Having found a violation of section 337, the Commission determined that the appropriate form of relief was: A limited exclusion order prohibiting the unlicensed entry of lithium metal oxide cathode materials that infringe one or more of claims 1–4, 7, 13, and 14 of the '082 patent, or claims 1–4, 8, 9, and 17 of the '143 patent that are manufactured by, or on behalf of, or imported by or on behalf of Umicore N.V. and Umicore USA Inc. or any of their affiliated companies, parents, subsidiaries, agents, or other related business entities, or their successors or assigns.

On May 5, 2017, BASF, Argonne, and Umicore filed a joint petition under 19 U.S.C. 1337(k) and Commission Rule 210.76(a) (19 CFR 210.76(a)) to rescind the limited exclusion order based upon settlement. The parties filed both confidential and public versions of the settlement agreements. On May 9, 2017, the Commission investigative attorney filed a response in support of the motion.

The Commission has determined to grant the petition. The limited exclusion order issued in this investigation is hereby rescinded.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR 210).

By order of the Commission.

Issued: June 6, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–12035 Filed 6–9–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–372]

Exempt Chemical Preparations Under the Controlled Substances Act

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Order with opportunity for comment.

SUMMARY: The applications for exempt chemical preparations received by the Drug Enforcement Administration (DEA) between April 1, 2016, and December 31, 2016, as listed below, were accepted for filing and have been approved or denied as indicated.

DATES: Interested persons may file written comments on this order in accordance with 21 CFR 1308.23(e). Electronic comments must be submitted, and written comments must be postmarked, on or before August 11, 2017. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period.

ADDRESSES: To ensure proper handling of comments, please reference ''Docket No. DEA–372'' on all correspondence, including any attachments.

- *Electronic comments:* The Drug Enforcement Administration (DEA) encourages that all comments be submitted through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the Web page or to attach a file for lengthier comments. Please go to *http://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon completion of your submission you will receive a Comment Tracking Number for your comment. Please be aware that submitted comments are not instantaneously available for public view on *Regulations.gov*. If you have received a comment tracking number, your comment has been successfully submitted and there is no need to resubmit the same comment.
- *Paper comments:* Paper comments that duplicate the electronic submission are not necessary and are discouraged. Should you wish to mail a comment *in lieu of* an electronic comment, it should be sent via regular or express mail to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: Michael J. Lewis, Diversion Control

Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

Please note that all comments received are considered part of the public record and made available for public inspection online at *http://www.regulations.gov* and in the DEA's public docket. Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter.

If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be posted online or made available in the public docket, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You must also place all the personal identifying information you do not want posted online or made available in the public docket in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be posted online or made available in the public docket, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment.

Comments containing personal identifying information and confidential business information identified as directed above will generally be made publicly available in redacted form. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be made publicly available. Comments posted to *http://www.regulations.gov* may include any personal identifying information (such as name, address, and phone number) included in the text of your electronic submission that is not identified as directed above as confidential.

An electronic copy of this document is available at *http://www.regulations.gov* for easy reference.

Legal Authority

The Drug Enforcement Administration (DEA) implements and enforces titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended. Titles II and II are referred to as the ''Controlled Substances Act'' and the ''Controlled Substances Import and Export Act,'' or the ''CSA'' for the purpose of this action. 21 U.S.C. 801–971. The DEA publishes the implementing regulations for these statutes in title 21 of the Code of Federal Regulations (CFR), chapter II.

The CSA and its implementing regulations are designed to prevent, detect, and eliminate the diversion of controlled substances and listed chemicals into the illicit market while ensuring an adequate supply is available for the legitimate medical, scientific, research, and industrial needs of the United States. Controlled substances have the potential for abuse and dependence and are controlled to protect the public health and safety.

Section 201 of the CSA (21 U.S.C. 811) authorizes the Attorney General, by regulation, to exempt from certain provisions of the CSA certain compounds, mixtures, or preparations containing a controlled substance, if he finds that such compounds, mixtures, or preparations meet the requirements detailed in 21 U.S.C. 811(g)(3)(B).[1] The DEA regulations at 21 CFR 1308.23 and 1308.24 further detail the criteria by which the DEA Assistant Administrator may exempt a chemical preparation or mixture from certain provisions of the CSA. The Assistant Administrator may, pursuant to 21 CFR 1308.23(f), modify or revoke the criteria by which exemptions are granted and modify the scope of exemptions at any time.

Exempt Chemical Preparation Applications Submitted Between April 1, 2016, and December 31, 2016

The Assistant Administrator received applications between April 1, 2016, and December 31, 2016, requesting exempt chemical preparation status detailed in 21 CFR 1308.23. Pursuant to the criteria stated in 21 U.S.C. 811(g)(3)(B) and in 21 CFR 1308.23, the Assistant Administrator has found that each of the compounds, mixtures, and preparations described in Chart I below is intended for laboratory, industrial, educational, or special research purposes and not for general administration to a human being or animal and either: (1) Contains no narcotic controlled substance and is packaged in such a form or concentration that the packaged quantity does not present any significant potential for abuse; or (2) contains either a narcotic or non-narcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion, or concentration that the preparation or mixture does not present any potential for abuse; if the preparation or mixture contains a narcotic controlled substance, it must be formulated in such a manner that it incorporates methods of denaturing or other means so that the preparation or mixture is not liable to be abused or have ill effects if abused, and so that the narcotic substance cannot in practice be removed.

Accordingly, pursuant to 21 U.S.C. 811(g)(3)(B), 21 CFR 1308.23, and 21 CFR 1308.24, the Assistant Administrator has determined that each of the chemical preparations or mixtures generally described in Chart I below and specifically described in the application materials received by the DEA, is exempt, to the extent described in 21 CFR 1308.24, from application of sections 302, 303, 305, 306, 307, 308, 309, 1002, 1003, and 1004 (21 U.S.C. 822–823, 825–829, and 952–954) of the CSA, and 21 CFR 1301.74, as of the date that was provided in the approval letters to the individual requesters.

CHART I

Supplier	Product name	Form	Application date
Aalto Scientific, Ltd	Endocrine Program	Amber vial: 5 mL	8/23/2016
Aalto Scientific, Ltd	Endocrinology	Amber vial: 5 mL	8/23/2016
Aalto Scientific, Ltd	Linearity FD Testosterone, Siemens Centaur	Kit: 5 vials; 3 mL each	12/7/2016
Absolute Standards, Inc	ISO G34 Calibrator Spike High	Glass ampoule: 1 mL	8/3/2016
Absolute Standards, Inc	ISO G34 Calibrator Spike Low	Glass ampoule: 1 mL	8/3/2016
Absolute Standards, Inc	ISO G34 Calibrator Spike Solution	Glass ampoule: 1 mL	8/3/2016

[1] This authority has been delegated from the Attorney General to the Administrator of the DEA by 28 CFR 0.100, and subsequently redelegated to the Deputy Assistant Administrator pursuant to Section 7 of 28 CFR 0.104, Appendix to Subpart R.

CHART I—Continued

Supplier	Product name	Form	Application date
Absolute Standards, Inc	ISO G34 Internal Standard	Glass ampoule: 1 mL	8/3/2016
Accriva Diagnostics, Inc	Hemochron PT	Box: 45 cuvettes; 7.5µL each.	5/17/2016
Arbor Assays	Testosterone 5-pack Enzyme Immunoassay Kit (K032–H5)	Kit: 400 µL vial	10/18/2016
Arbor Assays	Testosterone Enzyme Immunoassay Kit (ISWE001)	Kit: 1 mL vial	10/18/2016
Arbor Assays	Testosterone Enzyme Immunoassay Kit (K032–H1)	Kit: 90 µL vial	10/18/2016
Arbor Assays	Testosterone Standard (1,000 ng/mL)	Plastic vial: 1 mL	10/18/2016
Arbor Assays	Testosterone Standard (200,000 pg/mL)	Plastic vial: 90 µL	10/18/2016
Arbor Assays	Testosterone Standard (200,000 pg/mL)	Plastic vial: 400 µL	10/18/2016
Biochemical Diagnostics, Inc	Detectabuse Custom Liquid Control Urine, MC252	Glass vial: 1 mL–200 mL	7/29/2016
Biochemical Diagnostics, Inc	Detectabuse Custom Liquid Control Urine, MC253	Glass vials: 1 ml–200 mL	9/30/2016
Biochemical Diagnostics, Inc	Detectabuse Custom Liquid Control Urine, MC254	Glass vial: 1 mL–200 mL	7/29/2016
Biochemical Diagnostics, Inc	Detectabuse Custom Liquid Control Urine, MC255	Glass vial: 1 mL–200 mL	7/29/2016
Biochemical Diagnostics, Inc	Detectabuse Custom Liquid Control Urine, MC256	Glass vials: 1 ml–200 mL	12/19/2016
Biochemical Diagnostics, Inc	Detectabuse Custom Liquid Control Urine, MC257	Glass vials: 1 ml–200 mL	12/19/2016
Cayman Chemical Company	11-Keto Testosterone CRM; 1 mg/mL in Acetonitrile	Glass ampule: 1 mL	6/28/2016
Cayman Chemical Company	AB-CHMINACA (CRM); 1 mg/mL in Acetonitrile	Glass ampule: 1 mL	8/26/2016
Cayman Chemical Company	AB-CHMINACA (CRM); 1 mg/mL in Methanol	Glass ampule: 1 mL	8/26/2016
Cayman Chemical Company	AB-CHMINACA (CRM); 100 µg/mL in Acetonitrile	Glass ampule: 1 mL	8/26/2016
Cayman Chemical Company	AB-CHMINACA (CRM); 100 µg/mL in Methanol	Glass ampule: 1 mL	8/26/2016
Cayman Chemical Company	AB-PINACA CRM; 1 mg/mL in Methanol	Glass ampule: 1 mL	6/28/2016
Cayman Chemical Company	Acetyl Fentanyl CRM; 1 mg/mL in Methanol	Glass ampule: 1 mL	6/28/2016
Cayman Chemical Company	Acetyl Fentanyl CRM; 100 µg/mL in Methanol	Glass ampule: 1 mL	6/28/2016
Cayman Chemical Company	Cocaine CRM; 1 mg/mL in Acetonitrile	Glass ampule: 1 mL	6/28/2016
Cayman Chemical Company	Cocaine/Heroin/Methamphetamine Mixture CRM; 1 mg/mL each in Acetonitrile.	Glass ampule: 1 mL	8/26/2016
Cayman Chemical Company	Cocaine/Heroin/Methamphetamine Mixture CRM; 100 µg/mL each in Acetonitrile.	Glass ampule: 1 mL	8/26/2016
Cayman Chemical Company	Cocaine/Heroin/Methamphetamine Mixture CRM; 250 µg/mL each in Acetonitrile.	Glass ampule: 1 mL	8/26/2016
Cayman Chemical Company	Cocaine/Heroin/Methamphetamine Mixture CRM; 500 µg/mL each in Acetonitrile.	Glass ampule: 1 mL	8/26/2016
Cayman Chemical Company	GC-MS Drug Standard Mixture 1 in Acetonitrile	Glass ampule: 1 mL	6/28/2016
Cayman Chemical Company	Phytocannabinoid Mixture 1; 1 mg/mL in Acetonitrile	Glass ampule: 1 mL	6/28/2016
Cayman Chemical Company	Tapentadol (hydrochloride) CRM; 1 mg/mL in Acetonitrile	Glass ampule: 1 mL	8/26/2016
Cayman Chemical Company	Tapentadol (hydrochloride) CRM; 1 mg/mL in Methanol	Glass ampule: 1 mL	8/26/2016
Cayman Chemical Company	Tapentadol (hydrochloride) CRM; 100 µg/mL in Acetonitrile	Glass ampule: 1 mL	8/26/2016
Cayman Chemical Company	Tapentadol (hydrochloride) CRM; 100 µg/mL in Methanol	Glass ampule: 1 mL	8/26/2016
Cayman Chemical Company	THJ2201 (CRM); 1 mg/mL in Acetonitrile	Glass ampule: 1 mL	8/26/2016
Cayman Chemical Company	THJ2201 (CRM); 1 mg/mL in Methanol	Glass ampule: 1 mL	8/26/2016
Cayman Chemical Company	THJ2201 (CRM); 100 µg/mL in Acetonitrile	Glass ampule: 1 mL	8/26/2016
Cayman Chemical Company	THJ2201 (CRM); 100 µg/mL in Methanol	Glass ampule: 1 mL	8/26/2016
Cayman Chemical Company	ToxBox THC/THC Metabolite Plate	48-well plate	6/28/2016
Cerilliant Corporation	(±)-11-Hydroxy-delta9–THC glucuronide (0.01 mg/mL)	Glass ampule: 1 mL	11/11/2016
Cerilliant Corporation	(±)-Cannabicyclol (1.0 mg/mL)	Glass ampule: 1.0 mL	7/18/2016
Cerilliant Corporation	(±)-cis-3-Methylfentanyl HCl (0.05 mg/mL)	Glass ampule: 1 mL	6/21/2016
Cerilliant Corporation	(±)-cis-3-Methylfentanyl HCl (0.1 mg/mL)	Glass ampule: 0.5 mL	7/18/2016
Cerilliant Corporation	5alpha-Dihydrotestosterone-D3 [16, 16, 17–D3]; 10 µg/mL	Glass ampule: 1 mL	9/28/2016
Cerilliant Corporation	6beta-Naltrexol (1 mg/mL)	Glass ampule: 1 mL	5/6/2016
Cerilliant Corporation	AH-7921 HCl (1 mg/mL)	Glass ampule: 1 mL	5/20/2016
Cerilliant Corporation	AH-7921-D3 HCl (0.1 mg/mL)	Glass ampule: 1 mL	5/20/2016
Cerilliant Corporation	Brivaracetam-D3 (0.1 mg/mL)	Glass ampule: 1 mL	11/30/2016
Cerilliant Corporation	Butyryl fentanyl (0.05 mg/mL)	Glass ampule: 1 mL	6/21/2016
Cerilliant Corporation	Butyryl fentanyl (0.1 mg/mL)	Glass ampule: 0.5 mL	7/18/2016
Cerilliant Corporation	Cannabichromenic acid (CBCA) (1.0 mg/mL)	Glass ampule: 1 mL	11/30/2016
Cerilliant Corporation	Cannabicyclolic acid (CBLA) (1.0 mg/mL)	Glass ampule: 1 mL	11/30/2016
Cerilliant Corporation	Carfentanil (0.1 mg/mL)	Glass ampule: 0.5 mL	9/28/2016
Cerilliant Corporation	Carfentanil oxalate (0.1 mg/mL)	Glass ampule: 0.5 mL	11/30/2016
Cerilliant Corporation	Carfentanil-D5 oxalate (0.1 mg/mL)	Glass ampule: 0.5 mL	11/30/2016
Cerilliant Corporation	Clorazepate dipotassium (1 mg/mL)	Glass ampule: 1 mL	5/6/2016
Cerilliant Corporation	Dihydrotestosterone Calibrator Level 1 (20 pg/mL)	Cryovial: 1 mL	8/12/2016
Cerilliant Corporation	Dihydrotestosterone Calibrator Level 2 (50 pg/mL)	Cryovial: 1 mL	8/12/2016
Cerilliant Corporation	Dihydrotestosterone Calibrator Level 3 (100 pg/mL)	Cryovial: 1 mL	8/12/2016
Cerilliant Corporation	Dihydrotestosterone Calibrator Level 4 (500 pg/mL)	Cryovial: 1 mL	8/12/2016
Cerilliant Corporation	Dihydrotestosterone Calibrator Level 5 (1000 pg/mL)	Cryovial: 1 mL	8/12/2016
Cerilliant Corporation	Dihydrotestosterone Calibrator Level 6 (2500 pg/mL)	Cryovial: 1 mL	8/12/2016
Cerilliant Corporation	Dihydrotestosterone Calibrator Level 7 (10 ng/mL)	Cryovial: 1 mL	8/12/2016
Cerilliant Corporation	Diphenoxylate HCl (1 mg/mL)	Glass ampule: 1 mL	5/20/2016
Cerilliant Corporation	Furanyl fentanyl (0.1 mg/mL)	Glass ampule: 0.5 mL	11/30/2016
Cerilliant Corporation	Norhydromorphone-D3 HCl (0.1 mg/mL)	Glass ampule: 1.0 mL	7/18/2016
Cerilliant Corporation	Noroxymorphone-D3 HCl (0.1 mg/mL)	Glass ampule: 1.0 mL	7/18/2016

CHART I—Continued

Supplier	Product name	Form	Application date
Cerilliant Corporation	Pholcodine (1 mg/mL)	Glass ampule: 1 mL	5/6/2016
Cerilliant Corporation	Tapentadol-D3 HCl (1 mg/mL)	Glass ampule: 1 mL	11/11/2016
Cerilliant Corporation	U-47700 (1.0 mg/mL)	Glass ampule: 1 mL	11/30/2016
IDEXX Laboratories	Coag Dx PT	Box: 10 cartridges; 7.5µL each.	10/21/2016
IDEXX Laboratories	Coag Dx PT Cartridge	Cartridges: 7.5µL each	10/21/2016
Immunalysis Corporation	cTHC Urine Calibrator 1 (20 ng/mL)	Dropper bottle: 5 mL, 15 mL.	5/27/2016
Immunalysis Corporation	cTHC Urine Calibrator 2 (50 ng/mL)	Dropper bottle: 5 mL, 15 mL.	5/27/2016
Immunalysis Corporation	cTHC Urine Calibrator 3 (100 ng/mL)	Dropper bottle: 5 mL, 15 mL.	5/27/2016
Immunalysis Corporation	cTHC Urine Calibrator 4 (200 ng/mL)	Dropper bottle: 5 mL, 15 mL.	5/27/2016
Immunalysis Corporation	cTHC Urine Control HIGH (62.5 ng/mL)	Dropper bottle: 5 mL, 15 mL.	5/27/2016
Immunalysis Corporation	cTHC Urine Control LOW (37.5 ng/mL)	Dropper bottle: 5 mL, 15 mL.	5/27/2016
Immunalysis Corporation	Fentanyl Urine Calibrator 1 (1 ng/mL)	Dropper bottle: 5 mL	5/27/2016
Immunalysis Corporation	Fentanyl Urine Calibrator 2 (2 ng/mL)	Dropper bottle: 5 mL	5/27/2016
Immunalysis Corporation	Fentanyl Urine Calibrator 3 (4 ng/mL)	Dropper bottle: 5 mL	5/27/2016
Immunalysis Corporation	Fentanyl Urine Control HIGH (1.5 ng/mL)	Dropper bottle: 5 mL	5/27/2016
Immunalysis Corporation	Fentanyl Urine Control LOW (0.5 ng/mL)	Dropper bottle: 5 mL	5/27/2016
Immunalysis Corporation	MDC Calibrator 1	Dropper bottle: 15 mL, 25 mL.	5/27/2016
Immunalysis Corporation	MDC Calibrator 2	Dropper bottle: 15 mL, 25 mL.	5/27/2016
Immunalysis Corporation	MDC Calibrator 3	Dropper bottle: 15 mL, 25 mL.	5/27/2016
Immunalysis Corporation	MDC Calibrator 4	Dropper bottle: 15 mL, 25 mL.	5/27/2016
Immunalysis Corporation	MDC Control HIGH Set 1	Dropper bottle: 15 mL, 25 mL.	5/27/2016
Immunalysis Corporation	MDC Control HIGH Set 1	Dropper bottle: 15 mL, 25 mL.	5/27/2016
Immunalysis Corporation	MDC Control LOW Set 1	Dropper bottle: 15 mL, 25 mL.	5/27/2016
Immunalysis Corporation	MDC Control LOW Set 2	Dropper bottle: 15 mL, 25 mL.	5/27/2016
Immunalysis Corporation	Opiates Urine Calibrator 2000 1 (1000 ng/mL)	Dropper bottle: 5 mL, 15 mL.	5/27/2016
Immunalysis Corporation	Opiates Urine Calibrator 2000 2 (2000 ng/mL)	Dropper bottle: 5 mL, 15 mL.	5/27/2016
Immunalysis Corporation	Opiates Urine Calibrator 2000 3 (4000 ng/mL)	Dropper bottle: 5 mL, 15 mL.	5/27/2016
Immunalysis Corporation	Opiates Urine Calibrator 2000 4 (6000 ng/mL)	Dropper bottle: 5 mL, 15 mL.	5/27/2016
Immunalysis Corporation	Oxazepam Urine Control HIGH (125 ng/mL)	Dropper bottle: 5 mL, 15 mL.	5/27/2016
Immunalysis Corporation	Oxazepam Urine Control LOW (75 ng/mL)	Dropper bottle: 5 mL, 15 mL.	5/27/2016
Instrumentation Laboratory	Gem Test PT	Box: 45 cuvettes; 7.5µL each.	10/6/2016
IsoSciences, LLC	Codeine-[13C4, 15N], 1000 µg/mL in methanol	Amber ampule: 1 mL	10/20/2016
IsoSciences, LLC	Codeine-6β-Glucuronide-[13C10, 15N], 1000 µg/mL in methanol:water (2:8).	Amber ampule: 1 mL	10/20/2016
IsoSciences, LLC	Morphine-[13C4, 15N], 1000 µg/mL in methanol	Amber ampule: 1 mL	10/20/2016
IsoSciences, LLC	Morphine-6β-Glucuronide-[13C10, 15N], 1000 µg/mL in methanol:water (2:8).	Amber ampule: 1 mL	10/20/2016
IsoSciences, LLC	Testosterone-[2H8], 100 µg/mL in methanol	Amber Ampule: 1 mL	8/10/2016
IsoSciences, LLC	Testosterone-[2H8], 1000 µg/mL in methanol	Amber Ampule: 1 mL	8/10/2016
ITC	Hemochron Jr	Box: 45 cuvettes; 7.5µL each.	7/1/2016
Lipomed Inc	25B-NB2OMe (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	25C-NB2OMe (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	25I-NB2OMe (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	25I-NB2OMe-D9 (0.1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	25I-NB2OMe-D9 (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	3,4-Methylendioxypyrovalerone (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	3,4-Methylenedioxy-α-pyrrolidinopropiophenone (1 mg/mL methanol).	Glass ampule: 1 mL	10/28/2016

CHART I—Continued

Supplier	Product name	Form	Application date
Lipomed Inc	3-Desmethylprodine (1 mg/mL acetonitrile)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	4-Ethylmethcathinone (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	4-Methylethcathinone (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	4-Methylmethcathinone (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	4-Methylmethcathinone-D3 (0.1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	4-Methylmethcathinone-D3 (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Benzodiazepines mixture (.001 mg free base/ml acetonitrile)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Benzodiazepines mixture 5 (1 mg free base/mL acetonitrile)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Bufotenine.oxalate.monohydrate (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Butabarbital (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Butalbital (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Butalbital-D5 (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Butylone (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Cannabidiol-D3 (0.1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Cannabidiol-D3 (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Cannabinol-D3 (0.1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Cannabinol-D3 (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Carisoprodol (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Clotiazepam (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Cocaethylene-D3 (1 mg/mL acetonitrile)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Cocaine mixture 2 (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Desomorphine (1 mg/mL acetonitrile)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Ethylone (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	JWH-018 (0.1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	JWH-018 (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	JWH-018–D11 metabolite (0.1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	JWH-018–D11 metabolite (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	JWH-019 (0.1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	JWH-019 (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	JWH-081 (0.1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	JWH-081 (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	JWH-122 (0.1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	JWH-122 (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	JWH-200 (0.1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	JWH-200 (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	L-Methamphetamine (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Loprazolam (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Mazindol (1 mg/mL Dimethylformamide)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Meprobamate (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Methandienone (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Methylone (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Methylone-D3 (0.1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Methylone-D3 (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	N,N-Dimethylamphetamine (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Naphyrone (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Nimetazepam (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Norbuprenorphine (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Normeperidine (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Pentedrone (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Pentylone (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Phenobarbital-D5 (side chain) (0.1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Phenobarbital-D5 (side chain) (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Pregabalin (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Propoxyphen-D5 (0.1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Propoxyphen-D5 (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Pyrovalerone (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	α-Pyrrolidinopropiophenone (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	α-Pyrrolidinovalerophenone (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Microgenics Corporation	Cascadion SM Total Testosterone Internal Standard	Box: 8 bottles, 29 mL each.	12/16/2016
Microgenics Corporation	Cedia Buprenorphine OFT Control Set (Low and High) Catalog Number: 10022377.	Vial: 10 mL; Box: 2 vials	11/15/2016
Microgenics Corporation	Cedia Buprenorphine OFT Cutoff Calibrator Catalog Number: 10022376.	Vial: 5 mL; Box: 1 vial	11/15/2016
Microgenics Corporation	Cedia Multi-Drug OFT Cutoff Calibrator Set B Catalog Number: 10022355.	Vial: 10 mL; Box: 1 vial	10/20/2016
Microgenics Corporation	Cedia Multi-Drug OFT Cutoff Control Set B (Low and High) Catalog Number: 10022356.	Vial: 15 mL; Box: 2 vials	10/20/2016
Microgenics Corporation	Intercept i2he Multi-Drug Oral Fluid Cutoff Calibrator Set B Catalog Number: 1001–0419.	Vial: 10 mL; Box: 1 vial	10/19/2016
Microgenics Corporation	Intercept i2he Multi-Drug Oral Fluid Cutoff Control Set B (Low and High) Catalog Number: 1001–0420.	Vial: 15 mL; Box: 2 vials	10/19/2016

CHART I—Continued

Supplier	Product name	Form	Application date
Microgenics Corporation	Thermo Scientific CEDIA Buprenorphine II Calibrator 10 ng/mL Catalog Number: 10020799.	Vial: 5 mL Box: 1 vial	8/30/2016
Microgenics Corporation	Thermo Scientific CEDIA Buprenorphine II Calibrator 100 ng/mL Catalog Number: 10020802.	Vial: 5 mL Box: 1 vial	8/30/2016
Microgenics Corporation	Thermo Scientific CEDIA Buprenorphine II Calibrator 20 ng/mL Catalog Number: 10020800.	Vial: 5 mL Box: 1 vial	8/30/2016
Microgenics Corporation	Thermo Scientific CEDIA Buprenorphine II Calibrator 50 ng/mL Catalog Number: 10020801.	Vial: 5 mL Box: 1 vial	8/30/2016
Microgenics Corporation	Thermo Scientific CEDIA Buprenorphine II Controls (Low and High) Catalog Number: 10020804.	Vial: 5 mL Box: 4 vials	8/30/2016
Siemens Healthcare Diagnostics, Inc.	BK Emit II Plus Oxycodone Negative Control 100	Bulk Container: 1 L–50 L	8/23/2016
Siemens Healthcare Diagnostics, Inc.	Emit II Plus Oxycodone Negative Control 100	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	Emit II Plus Oxycodone Negative Control 300	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	Emit II Plus Oxycodone Positive Control 100	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	Emit II Plus Oxycodone Positive Control 300	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	Emit II Plus Specialty Multi Drug Calibrator/Control Level 1	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	Emit II Plus Specialty Multi Drug Calibrator/Control Level 2	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	Emit II Plus Specialty Multi Drug Calibrator/Control Level 3	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	Emit II Plus Specialty Multi Drug Calibrator/Control Level 4	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	FC Emit II Plus Oxycodone Negative Control 100	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	FC Emit II Plus Oxycodone Negative Control 300	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	FC Emit II Plus Oxycodone Positive Control 100	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	FC Emit II Plus Oxycodone Positive Control 300	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	FC Emit II Plus Specialty Multi Drug Calibrator/Control Level 1	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	FC Emit II Plus Specialty Multi Drug Calibrator/Control Level 2	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	FC Emit II Plus Specialty Multi Drug Calibrator/Control Level 3	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	FC Emit II Plus Specialty Multi Drug Calibrator/Control Level 4	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	MP FC Emit Oxycodone Negative Control 100	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	MP FC Emit Oxycodone Negative Control 300	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	MP FC Emit Oxycodone Positive Control 100	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	MP FC Emit Oxycodone Positive Control 300	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	MP FC Emit Specialty Multi Drug Calibrator/Control LVL 1	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	MP FC Emit Specialty Multi Drug Calibrator/Control LVL 2	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	MP FC Emit Specialty Multi Drug Calibrator/Control LVL 3	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	MP FC Emit Specialty Multi Drug Calibrator/Control LVL 4	Vial: 10 mL	8/23/2016
Siemens Healthcare Diagnostics, Inc.	Pilot Emit II Plus Oxycodone Negative Control 100	Pilot container: 4 mL–200 mL.	8/23/2016
Siemens Healthcare Diagnostics, Inc.	Pilot Emit II Plus Oxycodone Negative Control 300	Pilot container: 4 mL–200 mL.	8/23/2016
Siemens Healthcare Diagnostics, Inc.	Pilot Emit II Plus Oxycodone Positive Control 100	Pilot container: 4 mL–200 mL.	8/23/2016
Siemens Healthcare Diagnostics, Inc.	Pilot Emit II Plus Oxycodone Positive Control 300	Pilot container: 4 mL–200 mL.	8/23/2016
Siemens Healthcare Diagnostics, Inc.	Pilot Emit II Plus Specialty Multi Drug Calibrator/Control LVL 1	Pilot container: 4 mL–200 mL.	8/23/2016

CHART I—Continued

Supplier	Product name	Form	Application date
Siemens Healthcare Diagnostics, Inc.	Pilot Emit II Plus Specialty Multi Drug Calibrator/Control LVL 2	Pilot container: 4 mL–200 mL.	8/23/2016
Siemens Healthcare Diagnostics, Inc.	Pilot Emit II Plus Specialty Multi Drug Calibrator/Control LVL 3	Pilot container: 4 mL–200 mL.	8/23/2016
Siemens Healthcare Diagnostics, Inc.	Pilot Emit II Plus Specialty Multi Drug Calibrator/Control LVL 4	Pilot container: 4 mL–200 mL.	8/23/2016
USP	USP Levomethorphan Solution Reference Standard	Box: 3 vials, 1.2 mL each	9/13/2016
UTAK Laboratories, Inc	AED II HR Serum Control, Ref: 72740	Carton: 5 bottles, 5 mL each.	12/27/2016
UTAK Laboratories, Inc	AED II MR Serum Control, Ref: 72741	Carton: 5 bottles, 5 mL each.	12/27/2016
UTAK Laboratories, Inc	Benzodiazepines 2 Serum Control HR, Ref: 22615	Carton: 5 bottles, 5 mL each.	12/27/2016
UTAK Laboratories, Inc	Benzodiazepines 2 Serum Control MR, Ref: 22616	Carton: 5 bottles, 5 mL each.	12/27/2016
UTAK Laboratories, Inc	Benzodiazepines Plus 100 Urine Control, Ref: 12090	Carton: 5 bottles, 5 mL each.	12/27/2016
UTAK Laboratories, Inc	Benzodiazepines Plus 100 Whole Blood Control, Ref: 12092	Carton: 5 bottles, 5 mL each.	12/27/2016
UTAK Laboratories, Inc	Benzodiazepines Plus 400 ng/mL Urine Control, Ref: 12091	Carton: 5 bottles, 5 mL each.	12/27/2016
UTAK Laboratories, Inc	Clonazepam Serum Control HR, Ref: 22610	Carton: 5 bottles, 5 mL each.	12/27/2016
UTAK Laboratories, Inc	Clonazepam Serum Control MR, Ref: 22611	Carton: 5 bottles, 5 mL each.	12/27/2016
UTAK Laboratories, Inc	DHEA Plus High Serum Control, Ref: 51411	Carton: 5 bottles, 3 mL each.	12/27/2016
UTAK Laboratories, Inc	DHEA Plus Low Serum Control, Ref: 51410	Carton: 5 bottles, 3 mL each.	12/27/2016
UTAK Laboratories, Inc	Pentobarbital Serum Control, Ref: 66319	Carton: 5 bottles, 5 mL each.	12/27/2016
UTAK Laboratories, Inc	Steroids Level 1 SMx Serum Control, Ref: 51401	Carton: 5 bottles, 3 mL each.	12/27/2016
UTAK Laboratories, Inc	Steroids Level 2 SMx Serum Control, Ref: 51402	Carton: 5 bottles, 3 mL each.	12/27/2016
UTAK Laboratories, Inc	Steroids Level 3 SMx Serum Control, Ref: 51403	Carton: 5 bottles, 3 mL each.	12/27/2016
UTAK Laboratories, Inc	Steroids Level 4 SMx Serum Control, Ref: 51404	Carton: 5 bottles, 3 mL each.	12/27/2016

The Assistant Administrator has found that each of the compounds, mixtures, and preparations described in Chart II below is not consistent with the criteria stated in 21 U.S.C. 811(g)(3)(B) and in 21 CFR 1308.23. Accordingly, the Assistant Administrator has determined that the chemical preparations or mixtures generally described in Chart II below and specifically described in the application materials received by DEA, are not exempt from application of any part of the CSA or from application of any part of the CFR, with regard to the requested exemption pursuant to 21 CFR 1308.23, as of the date that was provided in the determination letters to the individual requesters.

CHART II

Supplier	Product name	Form	Application date
Aalto Scientific, Ltd	General Chemistry Serum	Box: 1056 vials; 5 mL each	6/20/2016
Biochemical Diagnostics, Inc	Detectabuse Custom Liquid Control Urine, MC253	Glass vial: 1 mL–200 mL	7/29/2016
Cerilliant Corporation	(±)-cis-3-Methylfentanyl HCl (0.1 mg/mL)	Glass ampule: 1 mL	6/21/2016
Cerilliant Corporation	(±)-cis-3-Methylfentanyl HCl (1 mg/mL)	Glass ampule: 1 mL	5/6/2016
Cerilliant Corporation	Butyryl fentanyl (0.1 mg/mL)	Glass ampule: 1 mL	6/21/2016
Cerilliant Corporation	Butyryl fentanyl HCl (1 mg/mL)	Glass ampule: 1 mL	5/20/2016
Lipomed Inc	Benzodiazepines mixture 8 (0.25 mg free base/mL acetonitrile)	Glass ampule: 1 mL	10/28/2016
Lipomed Inc	Estazolam (1 mg/mL methanol)	Glass ampule: 1 mL	10/28/2016
Siemens Healthcare Diagnostics, Inc	BK Emit II Plus Oxycodone Negative Control 300	Bulk Container: 1 L–50 L	8/23/2016
Siemens Healthcare Diagnostics, Inc	BK Emit II Plus Oxycodone Positive Control 100	Bulk Container: 1 L–50 L	8/23/2016
Siemens Healthcare Diagnostics, Inc	BK Emit II Plus Oxycodone Positive Control 300	Bulk Container: 1 L–50 L	8/23/2016
Siemens Healthcare Diagnostics, Inc	BK Emit II Plus Specialty Multi Drug Calibrator/Control LVL 1	Bulk Container: 1 L–50 L	8/23/2016
Siemens Healthcare Diagnostics, Inc	BK Emit II Plus Specialty Multi Drug Calibrator/Control LVL 2	Bulk Container: 1 L–50 L	8/23/2016
Siemens Healthcare Diagnostics, Inc	BK Emit II Plus Specialty Multi Drug Calibrator/Control LVL 3	Bulk Container: 1 L–50 L	8/23/2016
Siemens Healthcare Diagnostics, Inc	BK Emit II Plus Specialty Multi Drug Calibrator/Control LVL 4	Bulk Container: 1 L–50 L	8/23/2016

Scope of Approval

The exemptions are applicable only to the precise preparation or mixture described in the application submitted to DEA in the form(s) listed in this order and only for those sections of the CSA and the CFR that are specifically identified. In accordance with 21 CFR 1308.24(h), any change in the quantitative or qualitative composition of the preparation or mixture, or change in the trade name or other designation of the preparation or mixture after the date of application requires a new application. In accordance with 21 CFR 1308.24(g), the DEA may prescribe requirements other than those set forth in 1308.24(b)–(e) on a case-by-case basis for materials exempted in bulk quantities. Accordingly, in order to limit opportunity for diversion from the larger bulk quantities, the DEA has determined that each of the exempted bulk products listed in this order may only be used in-house by the manufacturer, and may not be distributed for any purpose, or transported to other facilities.

Additional exempt chemical preparation requests received between April 1, 2016, and December 31, 2016, and not otherwise referenced in this order may remain under consideration until the DEA receives additional information required, pursuant to 21 CFR 1308.23(d), as detailed in separate correspondence to individual requesters. The DEA's order on such requests will be communicated to the public in a future **Federal Register** publication.

The DEA also notes that these exemptions are limited to exemption from only those sections of the CSA and the CFR that are specifically identified in 21 CFR 1308.24(a). All other requirements of the CSA and the CFR apply, including registration as an importer as required by 21 U.S.C. 957.

Opportunity for Comment

Pursuant to 21 CFR 1308.23, any interested person may submit written comments on or objections to any chemical preparation in this order that has been approved or denied as exempt. If any comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which this order is based, the Assistant Administrator will immediately suspend the effectiveness of any applicable part of this order until he may reconsider the application in light of the comments and objections filed.

Approved Exempt Chemical Preparations Are Posted on DEA's Web Site

A list of all current exemptions, including those listed in this order, is available on the DEA's Web site at *http://www.DEAdiversion.usdoj.gov/schedules/exempt/exempt_chemlist.pdf.* The dates of applications of all current exemptions are posted for easy reference.

Dated: May 24, 2017.

Louis J. Milione,

Assistant Administrator.

[FR Doc. 2017–12110 Filed 6–9–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0NEW]

Proposed Extension of Information Collection; Performance Reports for MSHA Grants

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A). This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Performance Reports for MSHA Grants.

DATES: All comments must be received on or before August 11, 2017.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2017–0007.
- *Regular Mail:* Send comments to USDOL—MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.
- *Hand Delivery:* USDOL—Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, Sec. 101(a) of the Mine Act, 30 U.S.C. 811 authorizes the Secretary of Labor to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal and metal and nonmetal mines.

MSHA is requesting approval of a new information collection for narrative reporting of grant requirements. One of MSHA's strategic goals is to ''improve workplace safety and health'' through the strategic objective ''secure safe and healthy workplaces, particularly in high-risk industries.'' MSHA's goal in accomplishing this objective is to ''prevent death, disease, and injury from mining and promote safe and healthful workplaces for the Nation's miners.'' Sec. 115 of the Mine Act, as amended, requires mine operators to have a health and safety training program. Under Sec. 503 of the Mine Act, as amended, the Secretary may award grants to States to assist in developing and enforcing State mining laws and regulations, to improve State workers' compensation and mining occupational disease laws and programs, and to improve safety and health conditions in the Nation's mines through Federal-State coordination and cooperation.

Therefore, MSHA seeks the Office of Management and Budget's (OMB) clearance of the information collections the Department of Labor (DOL) requires to carry out its grant program through MSHA. This information collection covers the performance reporting for MSHA for Narrative Reports. MSHA is seeking to transfer its DOL-approved burden on the Narrative Reports under OMB No. 1225–0086 to an MSHA information collection.

Grantees are required by DOL regulations to submit project and final reports, as described below. Grantees are also required to submit final reports no later than 90 days after the end of the grant period.

Technical Project Reports: A grantee submits a technical project report to MSHA no later than 30 days after quarterly deadlines. Technical project reports provide both quantitative and qualitative information and a narrative assessment of performance for the preceding three-month period. This includes the current grant progress against the overall grant goals. Between reporting dates, the grantee informs MSHA of significant developments or problems affecting the organization's ability to accomplish the work.

Final Reports: At the end of the grant period, each grantee provides a project summary of its technical project reports, an evaluation report, and a close-out financial report. These final reports are due no later than 90 days after the end of the 12-month performance period.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Performance Reports for MSHA Grants. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at USDOL—Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Performance Reports for MSHA Grants. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: New collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0NEW.

Affected Public: State, local or Tribal government, Not-for-profit Institutions.

Number of Respondents: 60.

Frequency: On occasion.

Number of Responses: 300.

Annual Burden Hours: 750 hours.

Annual Respondent or Recordkeeper Cost: $53.

MSHA Forms: MSHA Form 5000–50, MSHA State Grant Program Performance Report.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Sheila McConnell,

Certifying Officer.

[FR Doc. 2017–12100 Filed 6–9–17; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0142]

Proposed Extension of Information Collection; Sealing of Abandoned Areas

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Sealing of Abandoned Areas.

DATES: All comments must be received on or before August 11, 2017.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2017–0019.
- *Regular Mail:* Send comments to USDOL—MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.
- *Hand Delivery:* USDOL—Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); (202) 693–9440 (voice); or (202) 693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811 authorizes the Secretary of Labor to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines.

MSHA's standards for sealing abandoned areas in underground coal mines include requirements addressing the design and construction of new seals and the examination, maintenance and repair of all seals.

Section 75.335(b) sets forth procedures for the approval of seal design applications.

Section 75.335(c) requires the submission and certification of information for seal installation.

Section 75.336(a)(2) requires the mine operator to evaluate the atmosphere in the sealed area to determine whether sampling through the sampling pipes in seals provides appropriate sampling locations of the sealed area. The mine operator will make an evaluation for each area that has seals.

Section 75.336(c) requires that mine operators immediately notify MSHA after a sample indicates that the oxygen concentration is 10 percent or greater and methane is between 4.5 percent and 17 percent and after taking the required additional sample from the sealed atmosphere with seals of less than 120 psi.

Section 75.336(e) requires a certified person to record each sampling result, including the location of the sampling points and the oxygen and methane concentrations. Also, any hazardous conditions found must be corrected and recorded in accordance with existing Section 75.363.

Section 75.337(c)(1)–(c)(5) requires a certified person to perform several tasks during seal construction and repair and certify that the tasks were done in accordance with the approved ventilation plan. In addition, a mine foreman or equivalent mine official must countersign the record.

Section 75.337(d) requires a senior mine management official to certify that the construction, installation, and materials used were in accordance with the approved ventilation plan.

Section 75.337(e) requires the mine operator to notify MSHA of certain activities concerning the construction of a set of seals. Section 75.337(e)(1) requires the mine operator to notify the District Manager between 2 and 14 days prior to commencement of seal construction. Section 75.337(e)(2) requires the mine operator to notify the District Manager, in writing, within 5 days of completion of a set of seals and provide a copy of the certifications required in Section 75.337(d). Section 75.337(e)(3) requires the mine operator to submit a copy of the quality control test results for seal material properties specified by Section 75.335 within 30 days of completion of such tests.

Section 75.337(g)(3) requires the mine operator to label sampling pipes to indicate the location of the sampling point when the mine operator installs more than one sampling pipe through a seal.

Section 75.338(a) requires mine operators to certify that persons conducting sampling were trained in the use of appropriate sampling equipment, techniques, the location of sampling points, the frequency of sampling, the size and condition of sealed areas, and the use of continuous monitoring systems, if applicable, before they conduct sampling, and annually thereafter.

Section 75.338(b) requires mine operators to certify that miners constructing or repairing seals, designated certified persons, and senior mine management officials were trained prior to constructing or repairing a seal and annually thereafter.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Sealing of Abandoned Areas. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at USDOL—Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Sealing of Abandoned Areas. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0142.

Affected Public: Business or other for-profit.

Number of Respondents: 242.

Frequency: On occasion.

Number of Responses: 15,800.

Annual Burden Hours: 3,525 hours.

Annual Respondent or Recordkeeper Cost: $1,068,083.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Sheila McConnell,

Certifying Officer.

[FR Doc. 2017–12099 Filed 6–9–17; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before July 12, 2017.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Electronic Mail: zzMSHA-comments@dol.gov.* Include the docket number of the petition in the subject line of the message.
2. *Facsimile:* 202–693–9441.
3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452, Attention: Sheila McConnell, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect a copy of the petition and

comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations, and Variances at 202–693–9447 (Voice), *barron.barbara@dol.gov* (Email), or 202–693–9441 (Facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations Part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or
2. That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2017–008–C.

Petitioner: Excel Mining LLC, 4126 State Highway 194 West, Pikeville, Kentucky 41501.

Mine: Excel Mining #4 Mine MSHA I.D. No. 15–19515, located in Pike County, Kentucky.

Regulation Affected: 30 CFR 75.1909(b)(6) (Nonpermissible diesel powered equipment; design and performance requirements).

Modification Request: The petitioner requests a modification of the existing standard to allow use of a six-wheeled Dapco Roadbuilder, model DP–10G, serial number 003, as it was originally designed without front brakes. The petitioner states that:

(1) The Dapco Roadbuilder has a braking system on the four rear wheels that is designed to prevent loss of braking due to a single brake system component failure.

(2) The petitioner will train the grader operator to limit the maximum speed of the Roadbuilder to 10 miles per hour (MPH) by permanently blocking out any gear that would provide a higher speed than 10 MPH, to use transmission and differential ratios that would limit the maximum speed to 10 MPH, to recognize the appropriate speeds to use on different roadway conditions and different grades/undulations, and to lower the front push blade, grader blade, or digger forks for additional stopping capability in emergency situations.

The petitioner asserts that the design of the Dapco Roadbuilder guarantees no less than the same measure of protection afforded by the existing standard because the machine's braking system is adequate to stop the machine due to the weight distribution over the four rear wheels.

Sheila McConnell,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2017–12096 Filed 6–9–17; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before July 12, 2017.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Electronic Mail: zzMSHA-comments@dol.gov.* Include the docket number of the petition in the subject line of the message.
2. *Facsimile:* 202–693–9441.
3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452, Attention: Sheila McConnell, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect a copy of the petition and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations, and Variances at 202–693–9447 (Voice), *barron.barbara@dol.gov* (Email), or 202–693–9441 (Facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations Part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor (Secretary) determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or
2. That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2017–009–C.

Petitioner: Hamilton County Coal, LLC, 18033 County Road 500E, Dahlgren, Illinois 62828–4294.

Mine: Mine No. 1, MSHA I.D. No. 11–03203, located in Hamilton County, Illinois.

Regulation Affected: 30 CFR 75.382 (Mechanical escape facilities).

Modification Requested: The petitioner requests a modification of the existing standard to permit the use of the slope belt conveyor as a mechanical escape facility at Mine No. 1. The petitioner states that:

a. Mine No. 1 extracts coal from the Herrin No. 6 coal seam by both continuous mining and longwall extraction methods. The coal seam is intersected by a vertical shaft with cage hoist facility and by a dual compartment slope that contains a slope car hoist facility in the lower track compartment

and a belt conveyor in the isolated upper compartment. Escapeways, as required in 30 CFR 75.380(a), are connected to these hoist facilities as required in 30 CFR 75.380(i)(1) and (i)(2).

b. Rope and drum hoists used as mechanical escape facilities at these locations are subject to maintenance and/or conditions that could interfere with the operation of the facility for extended periods of time. The availability of a third mechanical escape facility (slope belt conveyor) provides an additional layer of safety for the miners and enhances compliance with escapeway regulations in that there will be an additional escape facility readily available during normal hoist operations. Additionally, the use of the slope belt conveyor as a mechanical escape facility provides the most efficient means to evacuate miners in the event of a mine emergency. The slope belt conveyor provides a nonstop conveyance on which the miners can exit the mine without the delay of having to wait on the limited capacity of the slope car as it makes a roundtrip in and out of the mine. At a speed of 140 feet per minute, the slope belt conveyor can evacuate 100 miners in approximately 30 minutes. The slope car hoist requires approximately 120 minutes to evacuate 100 miners. The petitioner further states that the use of the slope belt conveyor as a mechanical escape facility will be conditioned upon compliance with the following:

(1) The slope belt conveyor will be equipped with an automatic braking system which prevents the belt from reversing direction if power is lost. The drive motor gear boxes are provided with a braking/blocking device that mechanically prevents rotation of the gears when the drive motors are de-energized.

(2) The power source for the slope belt conveyor will be independent of the underground mine's power source.

(3) The slope belt conveyor is powered by multiple drive motors located on the mine's surface facilities. Each drive motor is controlled by a variable frequency drive that, coupled with encoders, monitors the speed of the motor unit and can shut down the belt if a predetermined speed set point is exceeded. When persons are being transported on the slope belt conveyor as a mechanical escape facility, the belt speed will not exceed 140 feet per minute.

(4) A personnel loading platform will be installed across the slope belt conveyor outby the tailpiece. The loading platform will be designed to enable miners, including disabled persons, to safely and systematically board the slope belt conveyor.

(5) A minimum of four attendants will be stationed at the personnel loading platform to assist miners as they transition from the loading platform onto the slope belt conveyor.

(6) A personnel unloading platform will be installed across the slope belt conveyor at the first open cross cut on the surface. The unloading platform will be designed to enable miners, including disabled persons, to safely and systematically exit the slope belt conveyor.

(7) A minimum of four attendants will be stationed at the personnel unloading platform to assist miners as they transition from the slope belt conveyor onto the unloading platform.

(8) Positive-acting stop controls will be installed continuously along the slope belt conveyor and such controls will be readily accessible to persons being transported on the slope belt conveyor.

(9) The slope belt conveyor will be equipped with automatic stop controls that will automatically stop the belt if a person travels beyond the unloading platform.

(10) Automatic controls will de-energize the belt flight dumping onto the slope belt conveyor and will be so designed that the power cannot be reapplied to the belt flight dumping onto the slope belt conveyor while it is in use as a mechanical escape facility.

(11) The slope belt conveyor will have a minimum vertical clearance of 18 inches from the nearest overhead projection when measured from the edge of the belt.

(12) Adequate illumination will be provided at the personnel loading and unloading platforms on the slope belt conveyor.

(13) The slope belt conveyor will not be used to transport supplies and the slope belt conveyor will be clear of all material before persons are transported.

(14) Telephone or other suitable communications will be provided at the personnel loading and unloading platforms on the slope belt conveyor.

(15) Suitable crossing facilities will be provided where ever persons must cross the moving slope belt conveyor to gain access at the personnel loading and unloading platforms.

(16) The slope belt conveyor will be operated in the mechanical escapeway mode at least weekly. A record of this test will be documented and made available for inspection by authorized representatives of the Secretary and representatives of the Illinois Department of Natural Resources.

(17) All underground mine personnel will be trained in the provisions of this petition before the petition is implemented. A record of this training will be documented and made available for inspection by authorized representatives of the Secretary and representatives of the Illinois Department of Natural Resources.

The petitioner asserts that the proposed alternative method will at all times provide the same degree of safety for the underground miners at Mine No. 1 as that afforded by the existing standard.

Sheila McConnell,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2017–12097 Filed 6–9–17; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0133]

Proposed Extension of Information Collection; Hazard Communication

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Hazard Communication.

DATES: All comments must be received on or before August 11, 2017.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2017–0022.
- *Regular Mail:* Send comments to USDOL–MSHA, Office of Standards,

Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.

• *Hand Delivery:* USDOL-Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); (202) 693–9440 (voice); or (202) 693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811(a), authorizes the Secretary of Labor to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines.

Section 101(a)(7) of the Mine Act, 30 U.S.C. 811(a)(7), requires, in part, that mandatory standards prescribe the use of labels or other appropriate forms of warning as are necessary to insure that miners are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions for safe use or exposure.

MSHA's part 47 hazardous communications rule requires mine operators to evaluate the hazards of chemicals they produce or use and provide information to miners concerning chemical hazards by means of a written hazard communication program; labeling containers of hazardous chemicals; providing access to Material Safety Data Sheets; and initial miner training.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Hazard Communication—30 CFR part 47. MSHA is particularly interested in comments that:

• Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

• Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

• Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at USDOL-Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Hazard Communication—30 CFR part 47. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0133.

Affected Public: Business or other for-profit.

Number of Respondents: 21,910.

Frequency: On occasion.

Number of Responses: 1,253,295.

Annual Burden Hours: 182,835 hours.

Annual Respondent or Recordkeeper Cost: $11,108.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Sheila McConnell,

Certifying Officer.

[FR Doc. 2017–12098 Filed 6–9–17; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0010]

Fire Protection in Shipyard Employment Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice; correction.

SUMMARY: The Occupational Safety and Health Administration (OSHA) published a document in the **Federal Register** on May 16, 2017, soliciting public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Fire Protection in Shipyard Employment Standard. The document contained an incorrect docket number. This notice corrects the docket number.

DATES: This correction is effective June 12, 2017.

FOR FURTHER INFORMATION CONTACT: Todd Owen or Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–2222.

SUPPLEMENTARY INFORMATION:

Correction:

In the **Federal Register** of May 16, 2017 (79 FR 22563–22564), correct the Docket Number as described below.

1. On page 22563, in the second column, in the third line of the heading section, change the Docket Number to read:

[Docket No. OSHA–2011–0010]

* * * * *

2. On page 22563, in the third column, in the paragraph titled ''*Mail, hand delivery, express mail, or messenger or courier service,*'' change the Docket Number to read:

[Docket No. OSHA–2011–0010]

* * * * *

3. On page 22564, in the second column, in the paragraph titled ''Instructions,'' change the Docket Number to read:

[Docket No. OSHA–2011–0010]

* * * * *

4. On page 22564, in the second column, in the first paragraph under

''IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions,'' change the Docket Number to read:

[Docket No. OSHA–2011–0010]

* * * * *

Authority and Signature

Dorothy Dougherty, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on June 5, 2017.

Dorothy Dougherty,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2017–12094 Filed 6–9–17; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Agency Information Collection Activities of the Office of Management and Budget (OMB) Control Numbers Under the Paperwork Reduction Act

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice, announcement of the Office of Management and Budget's (OMB) approval of information collection requirements.

SUMMARY: The Occupational Safety and Health Administration announces that OMB continues its approval for a number of information collection requirements found in a number of OSHA's standards and regulations. OSHA sought approval of these requirements under the Paperwork Reduction Act of 1995 (PRA), and, as required by that Act, is announcing the approval numbers and expiration dates for these requirements and regulations.

DATES: This notice is effective June 12, 2017.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210, telephone: (202) 693–2222.

SUPPLEMENTARY INFORMATION: In a series of **Federal Register** notices, the Agency announced its requests to OMB to renew its current extensions of approvals for various information collection (paperwork) requirements in its safety and health standards pertaining to general industry, shipyard employment, and the construction industry (*i.e.,* 29 CFR parts 1905, 1910, 1915, 1917, 1918, and 1926), and regulations pertaining to Occupational Safety and Health State Plans, and OSHA Strategic Partnership Program for Worker Safety and Health. In these **Federal Register** announcements, the Agency provided 60-day comment periods for the public to respond to OSHA's burden hour and cost estimates.

In accord with the PRA (44 U.S.C. 3501–3520), OMB approved these information collection requirements. The table below provides the following information for each of these information collection requirements approved by OMB: The title of the **Federal Register** notice; The **Federal Register** reference (date, volume, and leading page); OMB's Control Number; and the new expiration date.

Title of the information collection request	Date of **Federal Register** Publication, **Federal Register** Reference, and OSHA docket No.	OMB control No.	Expiration date
4,4'-Methylenedianiline (MDA) for General Industry (29 CFR 1910.1050).	March 11, 2016 81 FR 12966 Docket No. OSHA–2012–0040	1218–0184	07/31/2019
Access to Employee Exposure and Medical Records (29 CFR 1910.1020).	September 12, 2016 81 FR 62766 Docket No. OSHA–2009–0043.	1218–0065	04/30/2020
Additional Requirements for Special Dipping and Coating Operations (Dip Tanks) (29 CFR 1910.157(e)(3)).	March 11, 2016 81 FR 12967 Docket No. OSHA–2010–0020	1218–0237	01/31/2020
Aerial Lifts Standard (29 CFR 1926.453)	September 29, 2016 81 FR 67006 Docket No. OSHA–2009–0045.	1218–0216	04/30/2020
Asbestos in General Industry Standard	July 21, 2016 81 FR 47440 Docket No. OSHA–2010–0018	1218–0133	04/30/2020
Benzene (29 CFR 1910.1028)	April 19, 2016 81 FR 23008 Docket No. OSHA–2013–0008	1218–0129	08/31/2019
Construction Fall Protection Systems Criteria, Practices, and Training Requirements.	September 30, 2016 81 FR 67397 Docket No. OSHA–2010–0008.	1218–0197	04/30/2020
Cranes and Derricks in Construction Standard (29 CFR part 1926, subpart CC).	October 4 , 2016 81 FR 68456 Docket No. OSHA–2013–0021	1218–0261	04/30/2020
Crawler, Locomotive, and Truck Cranes Standard (29 CFR 1910.180).	September 7, 2016 81 FR 61715 Docket No. OSHA–2010–0015	1218–0221	04/30/2020
Definition and Requirements for a Nationally Recognized Testing Laboratory (29 CFR 1910.7).	December 28, 2016 81 FR 95650 Docket No. OSHA–2010–0007.	1218–0147	04/30/2020
Derricks (29 CFR 1910.181)	June 10, 2016 81 FR 37644 Docket No. OSHA–2010–0016	1218–0222	01/31/2020
Formaldehyde Standard (29 CFR 1910.1020 and 1910.1048)	August 1, 2016 81 FR 50563 Docket No. OSHA–2009–0041	1218–0145	04/30/2020
Occupational Noise Exposure Standard (29 CFR 1910.95)	October 4, 2016 81 FR 68457 Docket No. OSHA–2010–0017	1218–0048	03/31/2020
Occupational Safety and Health Administration Conflict of Interest and Disclosure.	September 29, 2016 81 FR 67004 Docket No. OSHA–2009–0042.	1218–0255	04/30/2020
Personal Protective Equipment (PPE) for General Industry (29 CFR part 1910, subpart I).	March 2, 2016 81 FR 10915 Docket No. OSHA–2009–0028	1218–0205	02/29/2020
Personal Protective Equipment (PPE) for Shipyard Employment (29 CFR part 1915).	December 10, 2015 80 FR 76712 Docket No. OSHA–2012–0038.	1218–0215	06/30/2019
Process Safety Management of Highly Hazardous Chemicals (29 CFR 1910.119).	March 21, 2016 81 FR 15130 Docket No. OSHA–2012–0039	1218–0200	08/31/0219
Regulations Containing Procedures for Handling of Retaliation Complaints.	February 17, 2016 81 FR 8103 Docket No. OSHA–2012–0026	1218–0236	03/31/2020
Student Data Form	September 29, 2016 81 FR 67010 Docket No. OSHA–2010–0022.	1218–0172	04/30/2020
Welding, Cutting, and Brazing (29 CFR part 1910, subpart Q)	September 29, 2016 81 FR 67003 Docket No. OSHA–2010–0037.	1218–0207	01/31/2020

In accordance with 5 CFR 1320.5(b), an agency cannot conduct, sponsor or require a response to a collection of information unless the collection displays a valid OMB control number and the Agency informs respondents that they need not respond to the collection of information.

Authority and Signature

Dorothy Dougherty, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on June 5, 2017.

Dorothy Dougherty,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2017–12095 Filed 6–9–17; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Office of Government Information Services (OGIS)

[NARA–2017–048]

Freedom of Information Act (FOIA) Advisory Committee; Meeting

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act and the second United States Open Government National Action Plan (NAP) released on December 5, 2013, NARA announces an upcoming Freedom of Information Act (FOIA) Advisory Committee meeting.

DATES: The meeting will be on July 20, 2017, from 10:00 a.m. to 1:00 p.m. EDT. You must register for the meeting by 5:00 p.m. EDT on July 18, 2017.

LOCATION: National Archives and Records Administration (NARA); 700 Pennsylvania Avenue NW., William G. McGowan Theater, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Amy Bennett, Designated Federal Officer for this committee, by mail at National Archives and Records Administration; Office of Government Information Services; 8601 Adelphi Road—OGIS; College Park, MD 20740–6001, by telephone at 202–741–5770, or by email at *foia-advisory-committee@nara.gov.*

SUPPLEMENTARY INFORMATION:

Agenda and meeting materials: You may find all meeting materials at *https://ogis.archives.gov/foia-advisory-committee/2016-2018-term/Meetings.htm.* This will be the fifth meeting of the second committee term. The purpose of this meeting is to review the work of the committee's three subcommittees. *https://ogis.archives.gov/foia-advisory-committee/2016-2018-term/Subcommittees.htm.*

Procedures: The meeting is open to the public. Due to access restrictions, you must register in advance if you wish to attend the meeting. You will also go through security screening when you enter the building. Registration for the meeting will go live via Eventbrite on June 30, 2017, at 10:00 a.m. EDT. To register for the meeting, please do so at this Eventbrite link: *https://www.eventbrite.com/e/freedom-of-information-act-foia-advisory-committee-meeting-july-20-2017-registration-30857353174.*

This program will be live-streamed on the U.S. National Archives' YouTube channel, *https://www.youtube.com/user/usnationalarchives/playlists.* The webcast will include a captioning option. To request additional accommodations (*e.g.,* a transcript), email *foia-advisory-committee@nara.gov* or call 202–741–5770. Members of the media who wish to register, those who are unable to register online, and those who require special accommodations, should contact Amy Bennett at the phone number, mailing address, or email address listed above.

Patrice Little Murray,

Committee Management Officer.

[FR Doc. 2017–12120 Filed 6–9–17; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Submission for OMB Review, Comment Request, Proposed Collection: Maker/STEM Education Support for 21st Century Community Learning Centers Program Evaluation

AGENCY: Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

ACTION: Submission for OMB review, comment request.

SUMMARY: The Institute of Museum and Library Services announces the following information collection has been submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the CONTACT section below on or before July 7, 2017.

OMB is particularly interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submissions of responses.

ADDRESSES: Christopher J. Reich, Senior Advisor, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW., Suite 4000, Washington, DC 20024–2135. Mr. Reich can be reached by Telephone: 202–653–4685, Fax: 202–653–4608, or by email at *creich@imls.gov,* or by teletype (TTY/TDD) at 202–653–4614.

SUPPLEMENTARY INFORMATION: The Institute of Museum and Library Services is the primary source of federal support for the Nation's 123,000 libraries and 35,000 museums. The Institute's mission is to inspire libraries and museums to advance innovation, learning, and civic engagement. The Institute works at the national level and in coordination with state and local organizations to sustain heritage, culture, and knowledge; enhance learning and innovation; and support professional development. IMLS is responsible for identifying national

needs for and trends in museum, library, and information services; measuring and reporting on the impact and effectiveness of museum, library and information services throughout the United States, including programs conducted with funds made available by IMLS; identifying, and disseminating information on, the best practices of such programs; and developing plans to improve museum, library, and information services of the United States and strengthen national, State, local, regional, and international communications and cooperative networks (20 U.S.C. 72, 20 U.S.C. 9108).

The purpose of this collection is to assess the quality of Maker/STEM program implementation at 21st Century Community Learning Centers (21ST CCLC) and the associated outcomes for participating youth, 21st CCLC site staff, and museum/science center staff. The Maker/STEM Education Support for 21st CCLC project is designed to support Maker and Science, Technology, Engineering, and Math (STEM) education learning by providing professional development, activities, tools, and training to 21st CCLCs in 30–40 sites across seven States or regions.

The evaluation is intended to provide insight for future changes, programmatic improvements, and learning at all levels of the program. Methods will include qualitative and quantitative data collection via a mixed methods approach. Data will be collected through activities such as online and/or paper and pencil surveys, phone interviews, and in-person interviews.

Current Actions: This notice proposes clearance of the Maker/STEM Education Support for 21st Century Community Learning Centers Program Evaluation. The 60-day notice for the Maker/STEM Education Support for 21st Century Community Learning Centers Program Evaluation, was published in the **Federal Register** on February 13, 2017 (82 FR 10501, February 13, 2017). No comments were no received under this notice.

Agency: Institute of Museum and Library Services.

Title: Maker/STEM Education Support for 21st Century Community Learning Centers Program Evaluation.

OMB Number: To Be Determined.

Frequency: One-time collection anticipated.

Affected Public: The target population is museum/science center staff, 21st CCLC staff, and youth participants involved in the STEM/Making programs at targeted 21st CCLC sites.

Number of Respondents: 96.

Estimated Average Burden per Response: 32 minutes.

Estimated Total Annual Burden: 29 hours.

Total Annualized cost to respondents: $558.71.

Total Annualized capital/startup costs: n/a.

Contact: Comments should be sent to Office of Information and Regulatory Affairs, *Attn.:* OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, (202) 395–7316.

Dated: June 6, 2017.

Kim A. Miller,

Grants Management Specialist.

[FR Doc. 2017–12029 Filed 6–9–17; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: The National Endowment for the Humanities will hold twenty-eight meetings of the Humanities Panel, a federal advisory committee, during July, 2017. The purpose of the meetings is for panel review, discussion, evaluation, and recommendation of applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965.

DATES: See **SUPPLEMENTARY INFORMATION** section for meeting dates. The meetings will open at 8:30 a.m. and will adjourn by 5:00 p.m. on the dates specified below.

ADDRESSES: The meetings will be held at Constitution Center at 400 7th Street SW., Washington, DC 20506, unless otherwise indicated.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW., Room 4060, Washington, DC 20506; (202) 606–8322; *evoyatzis@neh.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given of the following meetings:

1. *Date:* July 10, 2017. This meeting will discuss applications on the subject of British Literature, for the Fellowships grant program, submitted to the Division of Research Programs.

2. *Date:* July 10, 2017. This meeting will discuss applications on the subject of British Literature, for the Fellowships grant program, submitted to the Division of Research Programs.

3. *Date:* July 10, 2017. This meeting will discuss applications on the subject of Asian Studies, for the Fellowships grant program, submitted to the Division of Research Programs.

4. *Date:* July 11, 2017. This meeting will discuss applications on the subjects of European Literature and Studies, for the Fellowships grant program, submitted to the Division of Research Programs.

5. *Date:* July 11, 2017. This meeting will discuss applications on the subject of American Literature, for the Fellowships grant program, submitted to the Division of Research Programs.

6. *Date:* July 11, 2017. This meeting will discuss applications for Humanities Access Grants, submitted to the Office of Challenge Grants.

7. *Date:* July 13, 2017. This meeting will discuss applications for Humanities Access Grants, submitted to the Office of Challenge Grants.

8. *Date:* July 17, 2017. This meeting will discuss applications on the subject of Middle Eastern Studies, for the Fellowships grant program, submitted to the Division of Research Programs.

9. *Date:* July 18, 2017. This meeting will discuss applications on the subject of American Studies, for the Fellowships grant program, submitted to the Division of Research Programs.

10. *Date:* July 18, 2017. This meeting will discuss applications on the subject of Latin American Studies, for the Fellowships grant program, submitted to the Division of Research Programs.

11. *Date:* July 18, 2017. This meeting will discuss applications on the subjects of Cinema, Theater, and Dance Studies, for the Fellowships grant program, submitted to the Division of Research Programs.

12. *Date:* July 19, 2017. This meeting will discuss applications on the subject of Art History, for the Fellowships grant program, submitted to the Division of Research Programs.

13. *Date:* July 19, 2017. This meeting will discuss applications on the subject of Music Studies, for the Fellowships grant program, submitted to the Division of Research Programs.

14. *Date:* July 19, 2017. This meeting will discuss applications on the subjects of Comparative Literature and Literary Theory, for the Fellowships grant program, submitted to the Division of Research Programs.

15. *Date:* July 20, 2017. This meeting will discuss applications on the subject of Philosophy, for the Fellowships grant program, submitted to the Division of Research Programs.

16. *Date:* July 20, 2017. This meeting will discuss applications on the subject of Philosophy, for the Fellowships grant

program, submitted to the Division of Research Programs.

17. *Date:* July 24, 2017. This meeting will discuss applications for Fellowships for Advanced Social Science Research on Japan, submitted to the Division of Research Programs.

18. *Date:* July 25, 2017. This meeting will discuss applications on the subject of Religious Studies, for the Fellowships grant program, submitted to the Division of Research Programs.

19. *Date:* July 25, 2017. This meeting will discuss applications on the subjects of African and Black Atlantic Studies, for the Fellowships grant program, submitted to the Division of Research Programs.

20. *Date:* July 26, 2017. This meeting will discuss applications on the subject of American History, for the Fellowships grant program, submitted to the Division of Research Programs.

21. *Date:* July 26, 2017. This meeting will discuss applications on the subject of American History, for the Fellowships grant program, submitted to the Division of Research Programs.

22. *Date:* July 26, 2017. This meeting will discuss applications on the subject of American History, for the Fellowships grant program, submitted to the Division of Research Programs.

23. *Date:* July 27, 2017. This meeting will discuss applications on the subject of European History, for the Fellowships grant program, submitted to the Division of Research Programs.

24. *Date:* July 27, 2017. This meeting will discuss applications on the subject of European History, for the Fellowships grant program, submitted to the Division of Research Programs.

25. *Date:* July 27, 2017. This meeting will discuss applications on the subject of American History, for the Fellowships grant program, submitted to the Division of Research Programs.

26. *Date:* July 27, 2017. This meeting will discuss applications for Humanities Access Grants, submitted to the Office of Challenge Grants.

27. *Date:* July 31, 2017. This meeting will discuss applications on the subject of Asian Studies, for the Fellowships grant program, submitted to the Division of Research Programs.

28. *Date:* July 31, 2017. This meeting will discuss applications on the subjects of Communication, Media, and Rhetoric, for the Fellowships grant program, submitted to the Division of Research Programs.

Because these meetings will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, the meetings will be closed to the public pursuant to sections 552b(c)(4) and 552b(c)(6) of Title 5, U.S.C., as amended. I have made this determination pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings dated April 15, 2016.

Dated: June 7, 2017.

Elizabeth Voyatzis,

Committee Management Officer.

[FR Doc. 2017–12119 Filed 6–9–17; 8:45 am]

BILLING CODE 7536–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F St. NE., Washington, DC 20549–2736

Extension:

Rule 19b–7 and Form 19b–7; SEC File No. 270–495, OMB Control No. 3235–0553

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''SEC'' or ''Commission'') is soliciting comments on the existing collection of information provided for in Rule 19b–7 (17 CFR 240.19b–7) and Form 19b–7—Filings with respect to proposed rule changes submitted pursuant to Section 19b(7) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

The Exchange Act provides a framework for self-regulation under which various entities involved in the securities business, including national securities exchanges and national securities associations (collectively, self-regulatory organizations or ''SROs''), have primary responsibility for regulating their members or participants. The role of the Commission in this framework is primarily one of oversight; the Exchange Act charges the Commission with supervising the SROs and assuring that each complies with and advances the policies of the Exchange Act.

The Exchange Act was amended by the Commodity Futures Modernization Act of 2000 (''CFMA''). Prior to the CFMA, federal law did not allow the trading of futures on individual stocks or on narrow-based stock indexes (collectively, ''security futures products''). The CFMA removed this restriction and provided that trading in security futures products would be regulated jointly by the Commission and the Commodity Futures Trading Commission (''CFTC'').

The Exchange Act requires all SROs to submit to the SEC any proposals to amend, add, or delete any of their rules. Certain entities (Security Futures Product Exchanges) would be notice registered national securities exchanges only because they trade security futures products. Similarly, certain entities (Limited Purpose National Securities Associations) would be limited purpose national securities associations only because their members trade security futures products. The Exchange Act, as amended by the CFMA, established a procedure for Security Futures Product Exchanges and Limited Purpose National Securities Associations to provide notice of proposed rule changes relating to certain matters.[1] Rule 19b–7 and Form 19b–7 implemented this procedure. Effective April 28, 2008, the SEC amended Rule 19b–7 and Form 19b–7 to require that Form 19b–7 be submitted electronically.[2]

The collection of information is designed to provide the Commission with the information necessary to determine, as required by the Exchange Act, whether the proposed rule change is consistent with the Exchange Act and the rules thereunder. The information is used to determine if the proposed rule change should remain in effect or abrogated.

The respondents to the collection of information are SROs. Three respondents file an average total of approximately 3 responses per year.[3] Each response takes approximately 12.5 hours to complete and each amendment takes approximately 3 hours to complete, which correspond to an estimated annual response burden of 37.5 hours ((3 rule change proposals ×

[1] These matters are higher margin levels, fraud or manipulation, recordkeeping, reporting, listing standards, or decimal pricing for security futures products; sales practices for security futures products for persons who effect transactions in security futures products; or rules effectuating the obligation of Security Futures Product Exchanges and Limited Purpose National Securities Associations to enforce the securities laws. *See* 15 U.S.C. 78s(b)(7)(A).

[2] *See* Securities Exchange Act Release No. 57526 (March 19, 2008), 73 FR 16179 (March 27, 2008).

[3] There are currently four Security Futures Product Exchanges and one Limited Purpose National Securities Association, the National Futures Authority. However, two Security Futures Product Exchanges currently do not trade security futures products and, as a result, have not been filing proposed rule changes. Therefore, there are currently three respondents to Form 19b–7.

12.5 hours) + (0 amendments[4] × 3 hours)). The average internal cost of compliance per response is $4,761 (11.5 legal hours multiplied by an average hourly rate of $396[5] plus 1 hour of paralegal work multiplied by an average hourly rate of $207[6]). The total resulting internal cost of compliance for a respondent is $14,283 per year (3 responses × $4,761 per response).

In addition to filing its proposed rule changes and any amendments thereto with the Commission, a respondent is also required to post each of its proposals and any amendments thereto, on its Web site. This process takes approximately 0.5 hours to complete per proposal and 0.5 hours per amendment. Thus, for approximately 3 responses and 0 amendments,[7] the total annual reporting burden on a respondent to post these on its Web site is 1.5 hours ((3 proposals per year × 0.5 hours per filing) + (0 amendments × 0.5 hours)). Further, a respondent is required to update its rulebook, which it maintains on its Web site, to reflect the changes that it makes in each proposal and any amendment thereto. Thus, for all filings that were not withdrawn by a respondent (0 withdrawn filings in calendar years 2014–2016) or disapproved by the Commission (0 disapproved filings in calendar years 2014–2016), a respondent was required to update its online rulebook to reflect the effectiveness of 3 filings on average, each of which takes approximately 4 hours to complete per proposal. Thus, the total annual reporting burden for updating an online rulebook is 12 hours ((3 filings per year − 0 withdrawn filings − 0 disapproved filings) × 4 hours).

Compliance with Rule 19b–7 is mandatory. Information received in response to Rule 19b–7 is not kept confidential; the information collected is public information.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: June 7, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–12087 Filed 6–9–17; 8:45 am]

BILLING CODE 8011–01–P

[4] SEC staff notes that even though no amendments were received in the previous three years and that staff does not anticipate the receipt of any amendments, calculation of amendments is a separate step in the calculation of the PRA burden and it is possible that amendments are filed in the future. Therefore, instead of removing the calculation altogether, staff has shown the calculation as anticipating zero amendments.

[5] The $396 per hour figure for an Attorney is from SIFMA's *Management & Professional Earnings in the Securities Industry 2013,* modified by Commission staff to account for inflation and an 1800-hour work-year and then multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead.

[6] The $207 per hour figure for a Paralegal is from SIFMA's *Management & Professional Earnings in the Securities Industry 2013,* modified by Commission staff to account for inflation and an 1800-hour work-year and then multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead.

[7] *See supra* note 4.

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 17a–10; SEC File No. 270–154, OMB Control No. 3235–0122

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 17a–10, Report of Revenue and Expenses (17 CFR 240.17a–10), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

The primary purpose of Rule 17a–10 is to obtain the economic and statistical data necessary for an ongoing analysis of the securities industry. Paragraph (a)(1) of Rule 17a–10 generally requires broker-dealers that are exempted from the requirement to file monthly and quarterly reports pursuant to paragraph (a) of Exchange Act Rule 17a–5 (17 CFR 240.17a–5) to file with the Commission the Facing Page, a Statement of Income (Loss), and balance sheet from Part IIA of Form X–17A–5[1] (17 CFR 249.617), and Schedule I of Form X–17A–5 not later than 17 business days after the end of each calendar year.

Paragraph (a)(2) of Rule 17a–10 requires a broker-dealer subject to Rule 17a–5(a) to submit Schedule I of Form X–17A–5 with its Form X–17A–5 for the calendar quarter ending December 31 of each year. The burden associated with filing Schedule I of Form X–17A–5 is accounted for in the PRA filing associated with Rule 17a–5.

Paragraph (b) of Rule 17a–10 provides that the provisions of paragraph (a) do not apply to members of national securities exchanges or registered national securities associations that maintain records containing the information required by Form X–17A–5 and which transmit to the Commission copies of the records pursuant to a plan which has been declared effective by the Commission.

The Commission estimates that approximately 38 broker-dealers will spend an average of 12 hours per year complying with Rule 17a–10. Thus, the total compliance burden is estimated to be approximately 456 hours per year.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

[1] Form X–17A–5 is the Financial and Operational Combined Uniform Single Report (''FOCUS Report''), which is used by broker-dealers to provide certain required information to the Commission.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: June 7, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–12089 Filed 6–9–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:

Rule 17f–2(e); SEC File No. 270–37, OMB Control No. 3235–0031

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information provided for in Rule 17f–2(e) (17 CFR 240.17f–2(e)) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 17f–2(e) requires every member of a national securities exchange, broker, dealer, registered transfer agent, and registered clearing agency (''covered entities'') claiming an exemption from the fingerprinting requirements of Rule 17f–2 to make and keep current a statement entitled ''Notice Pursuant to Rule 17f–2'' (''Notice'') containing the information specified in paragraph (e)(1) to support their claim of exemption.

Rule 17f–2(e) contains no filing requirement. Instead, paragraph (e)(2) requires covered entities to keep a copy of the Notice in an easily accessible place at the organization's principal office and at the office employing the persons for whom exemptions are claimed and to make the Notice available upon request for inspection by the Commission, appropriate regulatory agency (if not the Commission) or other designated examining authority. Notices prepared pursuant to Rule 17f–2(e) must be maintained for as long as the covered entity claims an exemption from the fingerprinting requirements of Rule 17f–2. The recordkeeping requirement under Rule 17f–2(e) assists the Commission and other regulatory agencies with ensuring compliance with Rule 17f–2.

We estimate that approximately 75 respondents will incur an average burden of 30 minutes per year to comply with this rule, which represents the time it takes for a staff person at a covered entity to properly document a claimed exemption from the fingerprinting requirements of Rule 17f–2 in the required Notice and to properly retain the Notice according to the entity's record retention policies and procedures. The total annual burden for all covered entities is approximately 38 hours (75 entities × .5 hours, rounded up).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: June 7, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–12088 Filed 6–9–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80868; File No. SR–PEARL–2017–28]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend MIAX PEARL Rule 406, Long Term Option Contracts

June 6, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 5, 2017, MIAX PEARL, LLC (''MIAX PEARL'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rule 406, Long Term Option Contracts.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/rule-filings/pearl* at MIAX PEARL's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to amend Exchange Rule 406, Long Term Option Contracts, to make three simple

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

clarifying changes to the Rule, as described below.

Currently, Exchange Rule 406(a) states that the Exchange may list long-term option contracts that expire from twelve (12) to thirty-nine (39) months from the time they are listed. The Exchange proposes to amend Rule 406(a) by defining option contracts that expire from twelve (12) to thirty-nine (39) months from the time they are listed as ''long-term expiration months.''

Rule 406(a) currently states that there may be ''up to six additional expiration months.'' As currently written, the Rule does not specify which expiration months the six months are in addition to, or whether that means that there may be a total of six expiration months (with six long-term expiration months deemed ''additional'' expiration months) or seven expiration months (one long term expiration month plus six additional long-term expiration months), and thus is ambiguous. Accordingly, for clarity, the Exchange proposes to delete the word ''additional'' from Rule 406(a). As amended, the rule would clearly and simply provide that the Exchange may list six expiration months having from twelve up to thirty-nine months from the time they are listed until expiration.

Finally, in order to further clarify the Rule, the Exchange is proposing to amend Rule 406(a) to state that there may be up to six (6) long-term expiration months per option class. Thus, there is no limit to the number of option classes for which the Exchange could list options with long-term expiration months; the rule will now clearly state that there may be up to six long-term expiration months per class, *i.e.,* for any class(es) in which the Exchange determines to list options with long-term expiration months.

2. Statutory Basis

MIAX PEARL believes that its proposed rule change is consistent with Section 6(b) of the Act [3] in general, and furthers the objectives of Section 6(b)(5) of the Act [4] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest, by clarifying rule language associated with permitted listings of long term options on the Exchange.

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. The proposed rule change will have no impact on competition as it is not designed to address any competitive issues but rather to add additional clarity to, and remedy possible conflicts in, the Exchange's Rules.

The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition as the Rules apply equally to all Exchange Members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [5] and subparagraph (f)(6) of Rule 19b–4 thereunder.[6]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–PEARL–2017–28 on the subject line.

Paper Comments

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

All submissions should refer to File No. SR–PEARL–2017–28. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–PEARL–2017–28, and should be submitted on or before July 3, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Brent J. Fields,

Secretary.

[FR Doc. 2017–12041 Filed 6–9–17; 8:45 am]

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[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80867; File No. SR–NYSE–2017–08]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change To Amend its Listing Standards for Closed-end Funds

June 6, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on May 24, 2017, New York Stock Exchange LLC (''NYSE'' 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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its listing standards for closed-end funds. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its listing standards for closed-end funds to conform them to those of NYSE MKT LLC (''NYSE MKT'').

Paragraph A of Section 102.04 of the NYSE Listed Company Manual (the ''Manual'') currently permits the listing of a closed-end management investment company registered under the Investment Company Act of 1940 (a ''Fund'') that meets the distribution requirements of Section 102.01A of the Manual and the stock price and market value of publicly-held shares requirement of Section 102.01B of the Manual, provided that the required market value of publicly held shares for Funds is $60 million regardless of whether it is an IPO or an existing Fund. Notwithstanding the foregoing requirement for market value of publicly held shares of $60 million, the Exchange will generally authorize the listing of all the Funds in a group of Funds listed concurrently with a common investment adviser or investment advisers who are ''affiliated persons'', as defined in Section 2(a)(3) of the Investment Company Act of 1940, as amended, if:

- Total group market value of publicly held shares equals in the aggregate at least $200 million;
- The group market value of publicly held shares averages at least $45 million per Fund; and
- No one Fund in the group has market value of publicly held shares of less than $30 million.

Section 802.01B of the Manual provides that the Exchange will promptly initiate suspension and delisting procedures with respect to a Fund if the average market capitalization of the entity over 30 consecutive trading days is below $15 million. In addition, the Exchange will promptly initiate suspension and delisting procedures with respect to a Fund if it ceases to maintain its closed-end status. The Exchange will notify the Fund if the average market capitalization falls below $25 million and will advise the Fund of the delisting standard. Funds are not eligible to follow the cure procedures outlined in Sections 802.02 and 802.03 of the Manual.

The Exchange proposes to amend Paragraph A of Section 102.04 and Section 802.01B to eliminate their current requirements with respect to the initial and continued listing of Funds and replace them with listing requirements substantively identical to those under the current NYSE MKT listing standards for Funds. The proposed amended standards would include requirements with respect to a Fund's net asset value. The net asset value (or ''NAV'') of a Fund is the value of all Fund assets (less liabilities) divided by the number of shares outstanding. All Funds disclose NAV on at least a quarterly basis and many disclose it more frequently. While Funds typically trade at either a premium or discount to NAV, their share price generally maintains a close relationship to NAV. As a consequence, the market price of a Fund is less reliant on the price discovery mechanism of a liquid trading market than is the case with operating companies. As Exchange listing requirements with respect to publicly held shares are generally intended to facilitate a liquid trading market for operating companies, the role of a Fund's NAV in determining the market price of its securities makes publicly held shares requirements less important for Funds than for operating companies. Therefore, the Exchange believes that NAV is an appropriate additional or alternative measure of the suitability of Funds for initial and continued listing.

As proposed, a Fund would be qualified for listing on a stand-alone basis if it has a market value of publicly held shares or net assets of at least $20 million. As further proposed, Funds would be eligible to be listed concurrently with a common investment adviser or investment advisers who are ''affiliated persons'', as defined in Section 2(a)(3) of the Investment Company Act of 1940, as amended, if:

- The group has a total market value of publicly held shares or net assets of at least $75 million;
- The Funds in the group have an average market value of publicly held shares or net assets of at least $15 million; and
- Each Fund in the group has a market value of publicly held shares or net assets of at least $10 million.

These proposed initial listing standards are based on Section 101(g) of the NYSE MKT Company Guide without any substantive differences.

The continued listing standards for Funds set forth in Section 802.01B currently provide that a Fund is subject to delisting if its average market capitalization is less than $15 million over 30 trading days. The Exchange proposes to replace this requirement with a new continued listing standard providing that a Fund would be subject to delisting if the total market value of publicly held shares and net assets are each less than $5 million for more than 60 consecutive calendar days. These proposed continued listing standards are based on Section 1003(b)(v) of the NYSE MKT Company Guide without

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

any substantive differences.[4] The Exchange further proposes to lower the threshold for when the Exchange would advise the Fund of the delisting standard. Because the market capitalization component of the delisting standard would be $5 million of total market value of publicly held shares over 60 calendar days instead of an average of $15 million of market capitalization over 30 trading days as is currently the case, the Exchange proposes to similarly reduce the notification threshold from an average market capitalization of $25 million to a total market value of publicly held shares over a 60 calendar day period of $10 million.

The Exchange also proposes to conform its distribution standards for continued listing of Funds to those of NYSE MKT. Common stocks of Funds are currently subject to the distribution requirements for the common stocks of operating companies set forth in Section 802.01A of the Manual.[5] The Exchange proposes to replace those requirements for Funds with distribution standards substantively identical to those applied to Funds by NYSE MKT under Section 1003(b)(i) of the NYSE MKT Company Guide. Under the proposed amendment, the Exchange would normally give consideration to the prompt initiation of suspension and delisting procedures with respect to the common stock of a Fund if:

(A) The number of shares publicly held[6] (is less than 200,000; or

(B) the total number of public shareholders is less than 300; or

(C) the total market value of shares publicly held is less than $1,000,000 for more than 90 calendar consecutive days.

The Exchange and NYSE MKT are under common ownership and issuers listed on both markets are subject to oversight by the same regulatory staff. Therefore, the staff of NYSE Regulation responsible for regulation of both markets has observed over time the application of the NYSE MKT listing rules for Funds. In the staff's experience, Funds listed under the NYSE MKT Fund listing standards rarely become unsuitable over time for continued exchange trading. Consequently, the Exchange believes that, in adopting listing standards for Funds that are substantially similar to those of NYSE MKT, its proposed initial and continued listing standards for Funds would be consistent with the protection of investors.

The Exchange is also proposing to correct a typographical error in Section 802.01B.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5)[8] of the Act, in particular in that it is designed 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 and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed amendment is consistent with Section 6(b)(5) of the Act, as the initial and continued listing criteria set forth in the proposed rules are designed to protect investors and the public interest. As noted above, the Exchange's proposed amended listing requirements for Funds are substantively identical to those of NYSE MKT. The Exchange and NYSE MKT are under common ownership and issuers listed on both markets are subject to oversight by the same regulatory staff. Therefore, the staff of NYSE Regulation which is responsible for regulation of both the Exchange and NYSE MKT has observed over an extended period of time the application of the NYSE MKT listing rules for Funds. Over this extended period, the staff's experience has been that the application of the NYSE MKT Fund listing standards has resulted in the listing of Funds that have generally been suitable on an ongoing basis for exchange trading. Consequently, based on this experience, the Exchange believes that, by adopting amended initial and continued listing standards for Funds that are substantially the same as those of NYSE MKT, the Exchange would continue to have listing standards which would ensure that listed Funds are suitable for exchange trading. Consequently, the Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest.

The modification of the market capitalization level at which the Exchange provides an early warning to an issuer from $25 million of average market capitalization over 30 trading days to $10 million of market value of publicly held shares over 60 calendar days is consistent with the proposed amendment to the substantive continued listing standard. It would provide issuers with sufficient warning of any potential noncompliance and is therefore consistent with the protection of investors and the public interest.

The Exchange believes that the proposed amendment would facilitate the listing and trading of a greater number of Funds on the Exchange, enhancing competition among market participants, to the benefit of investors and the marketplace.

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. The proposed rule change is designed to harmonize the Exchange's rules with those of NYSE MKT. As such, it is intended to promote competition for the listing of Funds by providing them with a greater number of listing venue alternatives.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal**

[4] The Exchange would monitor compliance on an ongoing basis with the proposed amended total market value of publicly held shares requirement. The Exchange would communicate with any Fund whose total market value of publicly held shares fell below $5 million over 60 calendar days to enable the Fund to provide evidence that its net assets had exceeded $5 million over the required period. The Exchange would promptly initiate suspension and delisting procedures with respect to any such Fund that was unable at that time to display compliance with the net asset requirement. The Exchange notes that no Fund listed on the NYSE is currently below compliance with its continued listing standards.

[5] Under Section 802.01A, a Fund is below compliance if (i) its total number of stockholders is less than 400; (ii) the number of total stockholders is less than 1,200 and the average monthly trading volume is less than100,000 shares (for the most recent 12 months); or (iii) the number of publicly-held shares is less than 600,000.

[6] Shares held by directors, officers, or their immediate families and other concentrated holdings of 10 percent or more will be excluded in calculating the number of publicly-held shares and number of public shareholders for purposes of the proposed continued listing standards. The definition of publicly-held shares in the NYSE MKT rule is worded differently but is applied in exactly the same way that the proposed NYSE provision would be applied.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

Register or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the 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–NYSE–2017–08 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–NYSE–2017–08. 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–NYSE–2017–08, and should be submitted on or before July 3, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Brent J. Fields,

Secretary.

[FR Doc. 2017–12040 Filed 6–9–17; 8:45 am]

BILLING CODE 8011–01–P

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80864; File No. SR–CHX–2016–20]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Designation of Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change in Connection With the Proposed Transaction Involving CHX Holdings, Inc. and North America Casin Holdings, Inc.

June 6, 2017.

On December 2, 2016, the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change in connection with the proposed transaction involving CHX Holdings, Inc. and North America Casin Holdings, Inc. The proposed rule change was published for comment in the **Federal Register** on December 12, 2016.[3] The Commission received five comments on the proposed rule change,[4] and two responses from the Exchange in response to certain comments.[5] On January 12, 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] Following the Order Instituting Proceedings, the Commission received 21 additional comment letters,[8] and a response letter from the Exchange.[9]

Section 19(b)(2) of the Act[10] provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may, however, extend the period for issuing an order approving or disapproving the proposed rule change by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on December 12, 2016.[11] June 10, 2017 is 180 days from that date, and August 9, 2017 is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change, the issues raised in the comment letters that have been submitted in connection therewith,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 79474 (December 6, 2016), 81 FR 89543.

[4] *See* letters from: (1) Representative Robert Pittenger, Representative Earl L. ''Buddy'' Carter, Representative Peter DeFazio, Representative Collin Peterson, and Representative David Joyce, dated December 22, 2016; (2) James N. Hill, dated December 23, 2016; (3) John Ciccarelli, dated January 2, 2017; (4) Anonymous, dated January 3, 2017; and (5) David E. Kaplan, Executive Director, Global Investigative Journalism Network, dated January 4, 2017.

[5] *See* letters from John K. Kerin, President and Chief Executive Officer, CHX, dated January 5, 2017; and Albert J. Kim, Vice President and Associate General Counsel, CHX, dated January 6, 2017.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 79781, 82 FR 6669 (January 19, 2017) (''Order Instituting Proceedings'').

[8] *See* letters from: (1) Reddy Dandolu, Founder, Chief Executive Officer, Las Vegas Stock Exchange, dated February 4, 2017; (2) David Ferris, Senior Research Analyst, The Public Interest Review, dated February 16, 2017; (3) Michael Brennan, Independent Market Commentator, dated February 17, 2017; (4) Lawrence Bass, Individual Supporter, Alliance for American Manufacturing, dated February 20, 2017; (5) Steven Mayer, dated February 20, 2017; (6) William Park, dated February 21, 2017; (7) Jason Blake, Commentator, The Wall Street Journal, dated February 25, 2017; (8) John Meagher, Freelance Journalist, dated March 1, 2017; (9) Yong Xiao, Chief Executive Officer, North America Casin Holdings, Inc., dated March 1, 2017; (10) Steven Caban, dated March 1, 2017; (11) Harley Seyedin, President, American Chamber of Commerce in South China, dated March 2, 2017; (12) Salvatore Nobile, dated March 2, 2017; (13) Olga Gouroudeva, dated March 3, 2017; (14) John R. Prufeta, dated March 3, 2017; (15) Anthony J. Saliba, Saliba Ventures Holdings, LLC, dated March 3, 2017; (16) Aileen Zhong, dated March 5, 2017; (17) Duncan Karcher, dated March 5, 2017; (18) Ira Gottlieb, Principal, Healthcare Practice, Mazars USA LLP, dated March 5, 2017; (19) James N. Hill, dated March 6, 2017; (20) David Ferris, Senior Research Analyst, The Public Interest Review, dated March 6, 2017; and (21) Sean Casey, dated April 24, 2017. All of the comments are available at: *https://www.sec.gov/comments/sr-chx-2016-20/chx201620.shtml.*

[9] *See* letter from John K. Kerin, President and Chief Executive Officer, CHX, dated March 6, 2017.

[10] 15 U.S.C. 78s(b)(2).

[11] *See supra* note 3.

and the Exchange's responses to the comments.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[12] designates August 9, 2017 as the date by which the Commission should either approve or disapprove the proposed rule change (File No. SR–CHX–2016–20).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Brent J. Fields,

Secretary.

[FR Doc. 2017–12042 Filed 6–9–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80866; File No. SR–NYSEArca–2017–46]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To Amend NYSE Arca Equities Rule 13.2, Liability of Corporation

June 6, 2017.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on May 23, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Arca Equities Rule 13.2 (''Liability of Corporation'') by (1) aligning the scope of 13.2(a) with the rules of other national securities exchanges by specifying that the Exchange is not liable to its ETP Holders' ''successors, representatives or customers''; (2) eliminating the daily caps that limit the amount the Exchange may compensate ETP Holders for claims arising under the rule; (3) changing the procedural requirements for submitting notification to the Exchange of any claims for compensation; and (4) replace the words ''acknowledged receipt of'' in Rule 13.2(b) with the word ''received.'' Additionally, the Exchange seeks to have the proposed changes to eliminate the daily caps function retroactively to March 1, 2017. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

NYSE Arca Equities Rule 13.2 (''Rule 13.2'') provides a mechanism for ETP Holders to receive compensation for losses sustained as a result of the negligent acts or omissions of the Exchange's employees or for the failure of Exchange systems or facilities. Specifically, if an ETP Holder transmits an order to or through the Exchange's order routing systems, electronic book, or automatic execution systems or to any other automated facility of the Exchange and the Exchange has acknowledged receipt of the order, Rule 13.2(b) permits the Exchange to compensate ETP Holders for losses resulting from ''the negligent acts or omissions of its employees or for the failure of its systems or facilities.'' The Exchange is only permitted to compensate an ETP Holder for losses to the extent the Exchange's rules authorize such compensation. As described below, the Exchange proposes to:

- Align its rule with those of other national securities exchanges by adding that the Exchange is not liable to ''successors, representatives, or customers'' of ETP Holders;
- eliminate the daily caps on liability;
- change the procedural requirements for submitting notification to the Exchange of any claims for compensation; and
- replace the words ''acknowledged receipt of'' in Rule 13.2(b) with the word ''received.''

Proposal To Align and Clarify the Scope of 13.2(a) With Rules of Other National Securities Exchanges

The Exchange proposes to align the scope of 13.2(a) with the rules of other national securities exchanges[4] by adding rule text specifying that, except as otherwise expressly provided in the rules, the Exchange is not liable to ETP Holders' successors, representatives or customers. Rule 13.2 does not authorize the Exchange to compensate a successor, representative or customer of an ETP Holder because the rule does not reference those entities. As such, the Exchange believes that the proposed text specifically referencing these entities clarifies the scope of the rule.

Proposal To Eliminate Daily Caps on Liability

Rule 13.2 provides the Exchange with the authority to compensate ETP Holders for claims arising out of the negligent acts or omissions of its employees or for the failure of its systems or facilities up to specified amounts in paragraph (b) of the Rule. Specifically, Rule 13.2(b) provides that:

- As to claims made by a single ETP Holder, with respect to a single trading day, the Exchange will not be liable in excess of the larger of $100,000, or the amount of any recovery obtained by the Exchange under any applicable insurance;
- As to claims made by all ETP Holders, with respect to a single trading day, the Exchange will not be liable in excess of the larger of $250,000 or the amount of the recovery obtained by the Exchange under any applicable insurance; and
- As to claims made by all ETP Holders, with respect to a single calendar month, the Exchange will not be liable in excess of the larger of $500,000, or the amount of the recovery obtained by the Exchange under any applicable insurance.

The Exchange proposes to eliminate the daily caps in paragraphs (b)(1) and (b)(2). The Exchange would retain the monthly cap in (b)(3) of $500,000. The proposal to eliminate the daily caps in paragraphs (b)(1) and (b)(2) is consistent with the rules of other national securities exchanges, which only have a

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 200.30–3(a)(57).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Investors' Exchange LLC (''IEX'') Rule 11.260, BATS BZX Exchange Inc. (''BATS'') Rule 11.16, and EDGX Exchange Inc. (''EDGX'') Rule 11.14.

monthly cap.[5] In addition, the Exchange believes that it is more appropriate and fair to have a monthly limit on liability rather than a daily limit on liability, which could potentially result in disparate treatment among ETP Holders with claims on different days. Under the current rules, the Exchange is liable on any day as to the aggregate of all claims up until $250,000. Therefore, ETP Holders with claims on a day where other ETP Holders also have claims are less likely to receive full compensation compared to an ETP Holder that has a claim on a day when no other or fewer other ETP Holders have claims. Accordingly, the Exchange's proposal seeks to limit the possibility for disparate treatment by proposing to eliminate the current daily liability caps.

Under Rule 13.2(c), if claims cannot be fully satisfied because in the aggregate they exceed the maximum liability provided under paragraph (b), the maximum amount is allocated among all claims. In connection with its proposal to eliminate the daily caps in paragraphs (b)(1) and (b)(2), the Exchange is making a conforming change to eliminate in paragraph (c) the reference to allocating claims arising ''on a single trading day.''

Proposal To Change Procedural Requirements for Submitting a Claim

The Exchange proposes to clarify and change the time frame in which ETP Holders are required to submit notification to the Exchange of any claims for compensation under Rule 13.2. Rule 13.2(c) currently refers to written notice of claims ''to the Corporation no later than the opening of trading on the next business day following the day on which the use or enjoyment of the Corporation's facilities giving rise to the claim occurred . . .'' The Exchange proposes to clarify the requirement to provide written notice of all claims. Specifically, the Exchange proposes to delete the reference in paragraph (c) to written notice and replace it with new paragraph (d), the first sentence of which would state that all claims for compensation must be in writing. The proposal would conform the Exchange's notice requirements for claims to that of other national securities exchanges, which require written notice of claims.[6]

In addition, proposed new paragraph (d) would require that ETP Holders make such written claims by noon Eastern Time the next business day following the day on which the use of the Exchange gave rise to such claims. The Exchange believes it is appropriate to extend the time for an ETP Holder to submit a written claim from 9:30 a.m. Eastern Time to noon Eastern Time because it would provide time for an ETP Holder to evaluate what losses may have occurred on the prior trading day, particularly if the issue occurred later in the day. This proposed time frame is based on the rules of other national securities exchanges.[7]

Proposed Change To Re-Word Rule 13.2(b)

The Exchange proposes to replace the words ''acknowledged receipt of'' in Rule 13.2(b) with the word ''received.'' The Exchange believes this language is more concise and accurately reflects that all orders received in Exchange systems, whether acknowledged or not, are eligible under the Rule. Additionally, the Exchange notes that this language is similar to that found in the rules of other national securities exchanges.[8]

Operability of the Proposal To Eliminate the Daily Caps on Liability

Finally, the Exchange requests to have the proposed changes to eliminate the daily caps in paragraphs (b)(1) and (b)(2) function retroactively to March 1, 2017. Specifically, the Exchange seeks to have the ability to compensate ETP Holders in connection with losses incurred from an Exchange system issue on March 20, 2017. Prior to March 20, 2017, the Exchange had never received a claim that exceeded the liability limits and thus the Exchange was never prevented from fully compensating an ETP Holder. In connection with the March, [sic] 20, 2017, system issue, the Exchange received claims from ETP Holders that exceed amounts provided for in the daily caps. The Exchange believes that retroactively applying the monthly liability limit promotes fairness in that it provides the Exchange with the ability to compensate ETP Holders equally and reduces the potential for disparate treatment among ETP Holders who suffered a loss on March 20, 2017 and those ETP Holder [sic] who suffered a loss on a different day. Lastly, the Exchange notes that the Commission has approved other national securities exchanges rules related to limitations on liability retroactively.[9]

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''), in general, and furthers the objectives of Section 6(b)(5),[10] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes that the proposed rule change removes impediments to and perfects the mechanism of a free and open market because it more adequately addresses issues of liability by (1) eliminating the daily caps on liability and rewording 13.2 (b) to reflect that all orders ''received'' are eligible under the Rule thus increasing the Exchange's ability to compensate ETP Holders for losses incurred in relation to the failure of the Exchange's systems or facilities or negligent acts or omissions of Exchange employees, (2) adding clarity and transparency to scope of the rule and the compensation mechanism provided for in the rule by specifying that the Exchange is not liable to an ETP Holder's successors, representatives or customers, and (3) changing the procedural requirements for submitting notification of claims for compensation to the Exchange so that ETP Holders have a [sic] until noon Eastern Time the next business day following the day on which use of the Exchange's facilities gave rise to such claims to submit written notice.

The Exchange further believes that the proposed changes are reasonable and would remove impediments to and perfect the mechanism of a free and open market because eliminating the daily caps would not adversely affect ETP Holders and would reduce the risk that a loss is not covered by the Exchange's liability limits. Further, the Exchange believes that the proposed text specifically referencing that the Exchange is not liable to ETP Holders' successors, representatives or customers aligns the scope of the rule with that of

[5] *See* ISE Rule 705, Nasdaq Stock Market LLC (''Nasdaq'') Rule 4626, Nasdaq OMX PHLX LLC (''Nasdaq PHLX'') Rule 1015, and Nasdaq BX, Inc. (''Nasdaq BX'') Rule 4626.

[6] *See* Nasdaq Rule 4626, Nasdaq PHLX Rule 1015, and Nasdaq BX Rule 4626 (providing that members must submit claims in writing by noon Eastern Time on the next business day following the system issue).

[7] *Id.*

[8] *See* NYSE Rule 18(b) and NYSE MKT Rule 18(b).

[9] *See* Securities Exchange Act Release No. 56085 (July 17, 2007), 72 FR 40348 (July 24, 2007) (SR–NYSE–2007–09).

[10] 15 U.S.C. 78f(b)(5).

other national securities exchanges [11] and provides transparency as to the rule's application.

Further, clarifying and extending by a few hours the deadline in which ETP Holders are required to submit written notice of claims for compensation is reasonable given that an ETP Holder may not be aware of a claim or able to file a claim before the market open on the next business day. Additionally, the proposed procedural provisions are equitable because all ETP Holders are subject to the same procedural process for submitting claims for compensation. In addition, the Exchange notes that other national securities exchanges have similar requirements with respect to the timing in which written notice of claims must be submitted.[12]

Retroactively applying the proposed changes to eliminate the daily caps on the Exchange's liability is reasonable because it provides the Exchange with the ability to adequately compensate ETP Holders for losses incurred in relation to the Exchange's system failure that occurred on March 20, 2017. Additionally, the Exchange believes that applying the monthly liability limit retroactively promotes just and equitable principles of trade because it will apply uniformly to all ETP Holders that suffered a loss in connection with the March 20, 2017 system issues and any ETP Holder that potentially suffers a loss in connection with a future Exchange system issue. Prior to March 20, 2017, the Exchange had never received a claim that exceeded the liability limits and thus the Exchange was never prevented from fully compensating an ETP Holder for losses suffered in connection with the use of the Exchange's facilities, including losses caused by the negligent act or omission of an Exchange employee. Therefore, the Exchange believes that applying the rule retroactively would not be unfair or discriminatory. ETP Holders that suffered losses on March 20, 2017 and ETP Holders that previously received compensation from the Exchange would receive the same benefit of a fully paid claim. Further, the Exchange notes that the Commission has approved similar rules retroactively [13] and that the proposed liability limits more closely align with the limits of other national securities exchanges.[14] As such, the Exchange believes retroactively applying the proposed changes to the liability limits promotes just and equitable principles of trade, fosters cooperation and coordination with persons engaged in facilitating transactions in securities, removes impediments to, and perfects the mechanism of, a free and open market and a national market system and, in general, better protects investors and the public interest because it reduces the risk that losses suffered by a participant would be treated differently depending on the day or trading venue that the issue occurred on.

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. The proposed change is not designed to address any competitive issue but rather would add transparency to the rule and align more closely with current rules of other national stock exchanges [15] and provide more certainty to members that, regardless of trading venue, losses incurred in connection with a failure of Exchange systems or facilities, including losses caused by the negligent act or omission of an Exchange employee, will be eligible for review by and compensation from the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the 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–NYSEArca–2017–46 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NYSEArca–2017–46. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2017–46, and should be submitted on or before July 3, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Brent J. Fields,

Secretary.

[FR Doc. 2017–12044 Filed 6–9–17; 8:45 am]

BILLING CODE 8011–01–P

[11] *See supra* note 4.

[12] *See supra* note 6.

[13] *See supra* note 9.

[14] *See supra* note 5.

[15] *See supra* notes 4, 5 and 8.

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80865; File No. SR–NYSEArca–2017–48]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Approving a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, Relating to the Listing and Trading of Shares of the Franklin Liberty Intermediate Municipal Opportunities ETF and Franklin Liberty Municipal Bond ETF Under NYSE Arca Equities Rule 8.600

June 6, 2017.

I. Introduction

On May 8, 2017, NYSE Arca, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the Franklin Liberty Intermediate Municipal Opportunities ETF and Franklin Liberty Municipal Bond ETF (each, a ''Fund'' and collectively, the ''Funds'') under NYSE Arca Equities Rule 8.600. The proposed rule change was published for comment in the **Federal Register** on May 3, 2017.[3] On May 8, 2017, the Exchange filed Amendment No. 1 to the proposed rule change.[4] The Commission has not received any comments on the proposed rule change. The Commission is approving the proposed rule change, as modified by Amendment No. 1 thereto.

II. The Exchange's Description of the Proposed Rule Change

The Exchange proposes to list and trade Shares of the Funds under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares on the Exchange. The Shares will be offered by the Franklin Templeton ETF Trust (''Trust''), which is registered with the Commission as an open-end management investment company.[5] Each Fund is a series of the Trust. The investment adviser to each Fund will be Franklin Advisers, Inc. (''Adviser'').[6] Franklin Templeton Distributors, Inc. will serve as the distributor, Franklin Templeton Services, LLC will serve as the administrator, and State Street Bank and Trust Company will serve as the sub-administrator, custodian, and transfer agent for each Fund.

The Exchange has made the following representations and statements in describing the Funds and their investment strategies, including each Fund's portfolio holdings and investment restrictions.[7]

A. Exchange's Description of the Funds' Principal Investments

1. Franklin Liberty Intermediate Municipal Opportunities ETF

According to the Exchange, the investment objective of the Franklin Liberty Intermediate Municipal Opportunities ETF will be to achieve a high level of current income that is exempt from federal income taxes. Under normal market conditions,[8] the Fund will invest at least 80% of its net assets in municipal securities whose interest is free from federal income taxes, including the federal alternative minimum tax.

The Fund may invest in municipal securities rated in any rating category by U.S. nationally recognized rating services (or comparable unrated or short-term rated securities), including below investment grade and defaulted securities and securities of issuers that are, or are about to be, involved in reorganizations, financial restructurings, or bankruptcy (generally referred to as ''distressed debt''). Such investments typically involve the purchase of lower-rated or defaulted debt securities, comparable unrated debt securities, or other indebtedness (or participations in the indebtedness) of such issuers. Although the Adviser will search for investments across a large number of municipal securities that finance different types of projects, from time to time, based on economic conditions, the Fund may have significant positions in municipal securities that finance similar types of projects.

The Funds may invest in one or more of the following municipal securities (collectively, ''Municipal Securities''):

- General obligation bonds, which are typically issued by states, counties, cities, towns and regional districts and backed by the issuer's pledge of its full faith, credit and taxing power for the payment of principal and interest;
- revenue bonds, which are generally backed by the net revenue derived from a particular facility, group of facilities, or, in some cases, the proceeds of a special excise tax or other specific revenue source;
- anticipation notes, including bond, revenue and tax anticipation notes, which are issued to provide interim financing of various municipal needs in anticipation of the receipt of other sources of money for repayment of the notes;
- insured Municipal Securities, which are covered by insurance policies

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 80541 (April 27, 2017), 82 FR 20656 (''Notice'').

[4] In Amendment No. 1, which amended and replaced the proposed rule change in its entirety, the Exchange, among other things, clarified that: (i) The Franklin Liberty Municipal Bond ETF will only buy Municipal Securities (defined below) rated, at the time of purchase, in one of the top four ratings categories by one or more U.S. nationally recognized rating services (or comparable unrated or short-term rated securities); (ii) the Franklin Liberty Municipal Bond ETF may not buy defaulted or distressed Municipal Securities (which limitation will be applied at the time of purchase, and the Fund is not required to sell a Municipal Security that has defaulted or become distressed if the Adviser believes it is advantageous to continue holding the security); (iii) the Franklin Liberty Municipal Bond ETF may not buy high-yield or lower-rated debt securities (which limitation generally will be applied at the time of purchase and a downgrade of a particular security below one of the top four ratings categories will not automatically cause the Fund to sell the security); (iv) the components of a Fund's portfolio with a minimum original principal amount outstanding of $100 million or more may in the aggregate account for less than 75% of the weight of a Fund's portfolio; and (v) trading will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which trading may be halted. Amendment No. 1 also made non-substantive, technical amendments. Because Amendment No. 1 makes only clarifying and technical changes, and does not present unique or novel regulatory issues, it is not subject to notice and comment. Amendment No. 1 is available at: *https://www.sec.gov/comments/sr-nysearca-2017-48/nysearca201748-1745331-151464.pdf.*

[5] According to the Exchange, on March 23, 2017, the Trust filed with the Commission an amendment to its registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) and under the Investment Company Act of 1940 (''1940 Act'') relating to the Funds (File Nos. 333–208873 and 811–23124) (''Registration Statement''). In addition, according to the Exchange, the Commission has issued an order granting certain exemptive relief to the Trust, Franklin Advisers, Inc., and Franklin Templeton Distributors, Inc. under the 1940 Act. *See* Investment Company Act Release No. 30350 (January 15, 2013) (File No. 812–14042).

[6] The Exchange represents that the Adviser is not a registered broker-dealer but is affiliated with a broker-dealer. The Exchange represents that the Adviser has implemented and will maintain a ''fire wall'' with respect to such broker-dealer affiliate regarding access to information concerning the composition of and/or changes to each Fund's portfolio. In addition, in the event (a) the Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser to a Fund is a registered broker-dealer or becomes affiliated with a broker-dealer, the applicable adviser or sub-adviser will implement and maintain a fire wall with respect to its relevant personnel or broker-dealer affiliate regarding access to information concerning the composition and/or changes to a Fund's portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

[7] The Commission notes that additional information regarding the Trust, the Funds, and the Shares, including investment strategies, risks, creation and redemption procedures, calculation of net asset value (''NAV''), fees, distributions, and taxes, among other things, is included in the proposed rule change, as modified by Amendment No. 1, and the Registration Statement, as applicable. *See* Amendment No. 1 and Registration Statement, *supra* notes 4 and 5, respectively.

[8] The term ''normal market conditions'' is defined in NYSE Arca Equities Rule 8.600 (c)(5).

that guarantee the timely payment of principal and interest; [9]

• municipal lease obligations, which generally are issued to support a government's infrastructure by financing or refinancing equipment or property acquisitions or the construction, expansion or rehabilitation of public facilities; [10]

• Municipal Securities that are issued on a when-issued or delayed delivery basis;

• variable and floating rate securities, including variable rate demand notes, municipal inflation protected securities, index-based floating rate securities, and auction rate securities, which have interest rates that change either at specific intervals from daily up to semi-annually, or whenever a benchmark rate changes;

• pre-refunded bonds, which are outstanding debt securities that are not immediately callable (redeemable) by the issuer but have been ''pre-refunded'' by the issuer;

• zero coupon bonds (including convertible and step coupon bonds) and deferred interest securities;

• stripped securities, which are debt securities that have been transformed from a principal amount with periodic interest coupons into a series of zero coupon bonds, each with a different maturity date corresponding to one of the payment dates for interest coupon payments or the redemption date for the principal amount;

• mandatory tender (mandatory put) Municipal Securities, which may be sold with a requirement that a holder of a security surrender the security to the issuer or its agent for cash at a date prior to the stated maturity;

• callable securities, which give the issuer the right to redeem the security on a given date or dates (known as the call dates) prior to maturity;

• tax-exempt commercial paper, which typically represents an unsecured short-term obligation (270 days or less) issued by a municipality; and

• tax-exempt or qualified private activity and industrial development revenue bonds, which are typically issued by or on behalf of public authorities to finance various privately operated facilities which are expected to benefit the municipality and its residents, such as business, manufacturing, housing, sports and pollution control, as well as public facilities such as airports, mass transit systems, ports and parking.

2. Franklin Liberty Municipal Bond ETF

According to the Exchange, the investment objective of the Franklin Liberty Municipal Bond ETF will be to achieve a high level of current income that is exempt from federal income taxes. Under normal market conditions, the Fund will invest at least 80% of its net assets in Municipal Securities (as described above) whose interest is free from federal income taxes, including the federal alternative minimum tax.

Although the Adviser will search for investments across a large number of Municipal Securities that finance different types of projects, from time to time, based on economic conditions, the Fund may have significant positions in Municipal Securities that finance similar types of projects.

The Fund may invest in one or more of the Municipal Securities listed above. The Fund will only buy Municipal Securities rated, at the time of purchase, in one of the top four ratings categories by one or more U.S. nationally recognized rating services (or comparable unrated or short-term rated securities).[11] The Fund may not buy defaulted or distressed Municipal Securities.[12]

B. Exchange's Description of the Funds' Other Investments

According to the Exchange, while each Fund, under normal market conditions, will invest at least 80% of its net assets in Municipal Securities whose interest is free from federal income taxes, including the federal alternative minimum tax, each Fund may invest up to 20% of its net assets in the securities that pay interest that may be subject to the federal alternative minimum tax and, although not anticipated, in securities that pay taxable interest, as described below. With respect to up to 20% of its net assets, each Fund may invest in bank obligations; [13] taxable commercial paper; [14] other investment companies,[15] including exchange-traded funds (''ETFs''); [16] U.S. government securities; 3[17] and unrated debt securities.[18]

The Franklin Liberty Intermediate Municipal Opportunities ETF may also

[9] When beneficial, a Fund may purchase insurance for an uninsured bond directly from a qualified municipal bond insurer, in which case a Fund pays the insurance premium directly to the insurance company.

[10] A Fund may also gain exposure to municipal lease obligations through certificates of participation, which represent a proportionate interest in the payments under a specified lease or leases.

[11] This limitation generally is applied at the time of purchase and a downgrade of a particular security below one of the top four ratings categories will not automatically cause the Fund to sell the security. The Adviser will, however, take such downgrade into account when analyzing the portfolio.

[12] This limitation generally will be applied at the time of purchase and the Fund is not required to sell a Municipal Security that has defaulted or become distressed if the Adviser believes it is advantageous to continue holding the security.

[13] Bank obligations include fixed, floating or variable rate certificates of deposit (CDs), letters of credit, time and savings deposits, bank notes and bankers' acceptances. CDs are negotiable certificates issued against funds deposited in a commercial bank for a definite period of time and earning a specified return. Time deposits are non-negotiable deposits that are held in a banking institution for a specified period of time at a stated interest rate. Savings deposits are deposits that do not have a specified maturity and may be withdrawn by the depositor at any time. Bankers' acceptances are negotiable drafts or bills of exchange normally drawn by an importer or exporter to pay for specific merchandise.

[14] Commercial paper is an unsecured, short-term loan to a corporation, typically for financing accounts receivable and inventory with maturities of up to 270 days. Each Fund may invest in taxable commercial paper only for temporary defensive purposes.

[15] Each Fund may invest in other investment companies to the extent permitted by the 1940 Act, Commission rules thereunder and exemptions thereto. Each Fund may also invest its cash balances in affiliated money market funds to the extent permitted by its investment policies and rules and exemptions granted under the 1940 Act.

[16] The ETFs in which a Fund may invest include Investment Company Units (as described in NYSE Arca Equities Rule 5.2(j)(3)); Portfolio Depositary Receipts (as described in NYSE Arca Equities Rule 8.100); and Managed Fund Shares (as described in NYSE Arca Equities Rule 8.600). Such ETFs all will be listed and traded in the U.S. on registered exchanges.

[17] U.S. government securities include obligations of, or guaranteed by, the U.S. federal government, its agencies, instrumentalities or sponsored enterprises. Some U.S. government securities are supported by the full faith and credit of the U.S. government. These include U.S. Treasury obligations and securities issued by the Government National Mortgage Association (GNMA). A second category of U.S. government securities are those supported by the right of the agency, instrumentality or sponsored enterprise to borrow from the U.S. government to meet its obligations. These include securities issued by Federal Home Loan Banks. A third category of U.S. government securities are those supported by only the credit of the issuing agency, instrumentality or sponsored enterprise. These include securities issued by the Federal National Mortgage Association (FNMA) and Federal Home Loan Mortgage Corporation (FHLMC).

[18] Debt securities or their issuers which are not rated by rating agencies, sometimes due to the size of or manner of the securities offering, the decision by one or more rating agencies not to rate certain securities or issuers as a matter of policy, or the unwillingness or inability of the issuer to provide the prerequisite information and fees to the rating agencies.

invest in defaulted debt securities [19] and high-yield debt securities.[20]

A Fund may invest up to 100% of its assets in temporary defensive investments, including cash, cash equivalents or other high quality short-term investments, such as short-term debt instruments, including U.S. government securities, high grade commercial paper, repurchase agreements, negotiable certificates of deposit, non-negotiable fixed time deposits, bankers acceptances, and other money market equivalents. In addition, with respect to each of the Funds, on a temporary basis, during periods of high cash inflows or outflows,[21] a Fund may depart from its principal investment strategies; for example, it may hold a higher than normal proportion of its assets in cash. During such periods, a Fund may not be able to achieve its investment objective. To the extent allowed by exemptions from and rules under the 1940 Act and a Fund's other investment policies and restrictions, the Adviser also may invest a Fund's assets in shares of one or more money market funds managed by the Adviser or its affiliates.

C. Exchange's Description of the Funds' Investment Restrictions

Each Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), consistent with Commission guidance. Each Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of a Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

Each Fund's investments will be consistent with its investment objective and will not be used to provide multiple returns of a benchmark or to produce leveraged returns.

A Fund will not necessarily focus its investments in a particular state, and will not invest more than 15% of its total assets in Municipal Securities of any one state. Under normal market conditions, except for periods of high cash inflows or outflows, each Fund will satisfy the following criteria: (i) Each Fund will have a minimum of 35 Municipal Securities holdings; (ii) after a Fund has at least $100 million in assets, it will have a minimum of 75 Municipal Securities holdings; (iii) with respect to 75% of each Fund's total assets, no single Municipal Securities issuer will account for more than 3% of the weight of a Fund's portfolio; for the remaining portion of each Fund's assets, no single Municipal Securities issuer will account for more than 6% of the weight of a Fund's portfolio; (iv) each Fund will limit its investments in Municipal Securities of any one state to 15% of a Fund's total assets and will be diversified among issuers in at least 10 states; and (v) each Fund will limit its investments in Municipal Securities in any single sector to 25% of a Fund's total assets.[22] The Exchange states that pre-refunded bonds will be excluded from the above limits given that they have a high level of credit quality and liquidity.[23]

D. Exchange's Description of the Application of Generic Listing Requirements to the Funds

The Exchange states that it is submitting this proposed rule change because the portfolios for the Funds will not meet all of the ''generic'' listing requirements of Commentary .01 to NYSE Arca Equities Rule 8.600 applicable to the listing of Managed Fund Shares. The Exchange states that each Fund's portfolio will meet all the requirements set forth in Commentary .01 to NYSE Arca Equities Rule 8.600 except for those set forth in Commentary .01(b)(1), which requires that components that in the aggregate account for at least 75% of the fixed income weight of the portfolio each shall have a minimum original principal amount outstanding of $100 million or more.

III. Discussion and Commission's Findings

After careful review, the Commission finds that the Exchange's proposal to list and trade the Shares is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.[24] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[25] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission also finds that the proposal to list and trade Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Act,[26] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for, and transactions in, securities. Quotation and last sale information for the Shares and for ETFs will be available via the Consolidated Tape Association (''CTA'') high-speed line, and from the national securities exchange on which they are listed.[27]

[19] Investments in securities of issuers that are, or are about to be, involved in reorganizations, financial restructurings, or bankruptcy (generally referred to as ''distressed debt'') typically involve the purchase of lower-rated or defaulted debt securities, comparable unrated debt securities, or other indebtedness of such issuers. The Franklin Liberty Municipal Bond ETF may not buy defaulted or distressed debt securities. However, the Franklin Liberty Municipal Bond ETF is not required to sell a debt security that has defaulted or become distressed if the Adviser believes it is advantageous to continue holding the security.

[20] High-yield or lower-rated debt securities are securities that have been rated by Moody's or S&P below their top four rating categories (*e.g.,* BB or Ba and lower) and are considered below investment grade. The Franklin Liberty Municipal Bond ETF may not buy high-yield or lower-rated debt securities. This limitation generally is applied at the time of purchase and a downgrade of a particular security below one of the top four ratings categories will not automatically cause the Franklin Liberty Municipal Bond ETF to sell the security. The Adviser will, however, take such downgrade into account when analyzing the portfolio.

[21] ''Periods of high cash inflows or outflows,'' as used herein, mean rolling periods of seven calendar days during which inflows or outflows of cash, in the aggregate, exceed 10% of a Fund's net assets as of the opening of business on the first day of such periods.

[22] A Fund's investments in Municipal Securities will include investments in state and local (*e.g.,* county, city, town) Municipal Securities relating to such sectors as the following: Dedicated tax; public power; tax increment; toll road; port revenue; airport revenue; water revenue; sewer revenue; higher education (colleges and universities); wastewater revenue; school districts; and sales tax revenue.

[23] Pre-refunded bonds (also known as refunded or escrow-secured bonds) have a high level of credit quality and liquidity because the issuer ''pre-refunds'' the bond by setting aside in advance all or a portion of the amount to be paid to the bondholders when the bond is called. Generally, an issuer uses the proceeds from a new bond issue to buy high grade, interest bearing debt securities, including direct obligations of the U.S. government, which are then deposited in an irrevocable escrow account held by a trustee bank to secure all future payments of principal and interest on the pre-refunded bonds.

[24] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[25] 15 U.S.C. 78f(b)(5).

[26] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[27] Amendment No. 1 at 19.

The Indicative Optimized Portfolio Value (''IOPV'') of the Shares (which is the Portfolio Indicative Value, as defined in NYSE Arca Equities Rule 8.600(c)(3)) will be widely disseminated every 15 seconds during the Exchange's Core Trading Session (normally 9:30 a.m. to 4:00 p.m., Eastern Time) by one or more major market data vendors or other information providers.[28] On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange (ordinarily 9:30 a.m., Eastern Time), each Fund's Web site will disclose the Disclosed Portfolio [29] that will form the basis for a Fund's calculation of NAV at the end of the business day.[30] In addition, a basket composition file, which includes the security names and share quantities, if applicable, required to be delivered in exchange for a Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of the Exchange via the National Securities Clearing Corporation. The basket represents one creation unit of a Fund. The NAV of Shares of a Fund will normally be determined as of the close of the Core Trading Session on the Exchange (ordinarily 4:00 p.m. Eastern Time) on each business day. Authorized participants may refer to the basket composition file for information regarding securities and financial instruments that may comprise a Fund's basket on a given day.

Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation information from brokers and dealers or pricing services will be available for Municipal Securities, unrated debt securities, defaulted debt securities, high yield debt securities, and cash equivalents or other high quality short-term investments, including U.S. government securities, bank obligations, and taxable commercial paper. Price information for money market funds and other investment companies will be available from the applicable investment company's Web site and from market data vendors. Pricing information regarding each other asset class in which a Fund will invest will be available generally through nationally recognized data service providers through subscription agreements.

The Commission further believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share for each Fund will be calculated daily and that the NAV and the Disclosed Portfolio for each Fund will be made available to all market participants at the same time. Trading in Shares of the Funds will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable.[31] Trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth additional circumstances under which Shares of the Funds may be halted.

The Exchange represents that it has a general policy prohibiting the distribution of material, non-public information by its employees. In addition, Commentary .06 to NYSE Arca Equities Rule 8.600 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding the open-end fund's portfolio. The Exchange represents that the Adviser is not a registered broker-dealer but is affiliated with a broker-dealer, and that the Adviser has implemented and will maintain a ''fire wall'' with respect to that broker-dealer affiliate regarding access to information concerning the composition of, and/or changes to, each Fund's portfolio.

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by the Exchange, as well as cross-market surveillances administered by Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[32] The Commission believes that the Exchange's initial and continued listing requirements, combined with the Fund's investment criteria that would apply to Municipal Securities in the portfolio, are designed to mitigate the potential for price manipulation of the Shares.

The Exchange represents that it deems the Shares to be equity securities, thus rendering the trading of the Shares subject to the Exchange's existing rules governing the trading of equity securities.

In support of this proposal, the Exchange has made the following additional representations:

(1) The Shares of each Fund will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600.

(2) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(3) Trading in the Shares will be subject to the existing trading surveillances, administered by the Exchange, as well as cross-market surveillances administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange. These surveillances generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of

[28] The Exchange represents that several major market data vendors display and/or make widely available IOPVs taken from CTA or other data feeds. According to the Exchange, the IOPV will be based on the current market value of a Fund's portfolio holdings that will form the basis for the Fund's calculation of NAV at the end of the Business Day, as disclosed on the Fund's Web site prior to that Business Day's commencement of trading. According to the Exchange, the IOPV will generally be determined by using both current market quotations and/or price quotations obtained from broker-dealers that may trade in the portfolio securities held by a Fund.

[29] The term ''Disclosed Portfolio'' is defined in NYSE Arca Equities Rule 8.600(c)(2).

[30] On a daily basis, the Funds will disclose the information required under NYSE Arca Equities Rule 8.600(c)(2) to the extent applicable. The Web site information will be publicly available at no charge.

[31] The Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of a Fund.

[32] The Exchange states that FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement and that the Exchange is responsible for FINRA's performance under this regulatory services agreement.

all relevant parties for all relevant trading violations.

(4) The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares and ETFs with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares and ETFs from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and ETFs from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by a Fund reported to FINRA's Trade Reporting and Compliance Engine. FINRA also can access data obtained from the Municipal Securities Rulemaking Board relating to municipal bond trading activity for surveillance purposes in connection with trading in the Shares.

(5) Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in a Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss (a) the procedures for purchases and redemptions of Shares in creation unit aggregations (and that Shares are not individually redeemable); (b) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its Equity Trading Permit Holders to learn the essential facts relating to every customer prior to trading the Shares; (c) the risks involved in trading the Shares during the Early and Late Trading Sessions when an updated IOPV will not be calculated or publicly disseminated; (d) how information regarding the IOPV and the Disclosed Portfolio is disseminated; (e) the requirement that Equity Trading Permit Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (f) trading information. The Bulletin will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Bulletin will also disclose that the NAV for the Shares will be calculated after 4:00 p.m., Eastern Time each trading day.

(6) For initial and continued listing, the Funds must be in compliance with Rule 10A–3 under the Act.[33]

(7) Under normal market conditions, each Fund will invest at least 80% of net assets in municipal securities whose interest is free from federal income taxes, including the federal alternative minimum tax.

(8) The Franklin Liberty Municipal Bond ETF will only buy municipal securities rated, at the time of purchase, in one of the top four rating categories by one or more U.S. nationally recognized rating services (or comparable unrated or short-term rated securities), and the Fund may not buy defaulted or distressed municipal securities.

(9) The ETFs in which the Funds may invest will be listed and traded in the U.S. on registered exchanges.

(10) Each Fund's portfolio will meet all the requirements set forth in Commentary .01 to NYSE Arca Equities Rule 8.600 except for those set forth in Commentary .01(b)(1).

(11) Under normal market conditions, except for periods of high cash inflows or outflows, each Fund will satisfy the following criteria: (i) Each Fund will have a minimum of 35 Municipal Securities holdings; (ii) after a Fund has at least $100 million in assets, it will have a minimum of 75 Municipal Securities holdings; (iii) with respect to 75% of each Fund's total assets, no single Municipal Securities issuer will account for more than 3% of the weight of a Fund's portfolio; for the remaining portion of each Fund's assets, no single Municipal Securities issuer will account for more than 6% of the weight of a Fund's portfolio; (iv) each Fund will limit its investments in Municipal Securities of any one state to 15% of a Fund's total assets and will be diversified among issuers in at least 10 states; and (v) each Fund will limit its investments in Municipal Securities in any single sector to 25% of a Fund's total assets.

(12) Each Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), consistent with Commission guidance. Each Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of a Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

(13) Each Fund's investments will be consistent with its investment objective and will not be used to provide multiple returns of a benchmark or to produce leveraged returns.

The Exchange also represents that all statements and representations made in the filing regarding (a) the description of the portfolio, (b) limitations on portfolio holdings or reference assets, or (c) applicability of Exchange listing rules specified in the filing shall constitute continued listing requirements for listing the Shares of a Fund on the Exchange.

The issuer has represented to the Exchange that it will advise the Exchange of any failure by a Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements.[34] If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Equities Rule 5.5(m).

This approval order is based on all of the Exchange's representations, including those set forth above and in the Notice, and the Exchange's description of the Funds. The Commission notes that the Funds and the Shares must comply with the requirements of NYSE Arca Equities Rule 8.600 to be listed and traded on the Exchange.

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act[35] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[36] that the proposed rule change (SR–NYSEArc–2017–48), as modified by Amendment No. 1 thereto, be, and it hereby is, approved.

[33] *See* 17 CFR 240.10A–3.

[34] The Commission notes that certain other proposals for the listing and trading of Managed Fund Shares include a representation that the exchange will ''surveil'' for compliance with the continued listing requirements. *See, e.g.,* Securities Exchange Act Release No. 78005 (Jun. 7, 2016), 81 FR 38247 (Jun. 13, 2016) (SR–BATS–2015–100). In the context of this representation, it is the Commission's view that ''monitor'' and ''surveil'' both mean ongoing oversight of a fund's compliance with the continued listing requirements. Therefore, the Commission does not view ''monitor'' as a more or less stringent obligation than ''surveil'' with respect to the continued listing requirements.

[35] 15 U.S.C. 78f(b)(5).

[36] 15 U.S.C. 78s(b)(2)

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[37]

Brent J. Fields,

Secretary.

[FR Doc. 2017–12043 Filed 6–9–17; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2017–40]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before July 3, 2017.

ADDRESSES: Send comments identified by docket number FAA–2017–0571 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

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

FOR FURTHER INFORMATION CONTACT: Lynette Mitterer, ANM–113, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057–3356, email *Lynette.Mitterer@faa.gov,* phone (425) 227–1047; or Alphonso Pendergrass, ARM–200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, email *alphonso.pendergrass@faa.gov,* phone (202) 267–4713.

This notice is published pursuant to 14 CFR 11.85.

Issued in Renton, Washington, on June 5, 2017.

Victor Wicklund,

Manager, Transport Standards Staff.

Petition for Exemption

Docket No.: FAA–2017–0571.
Petitioner: Textron Aviation Inc.
Section of 14 CFR Affected: § 25.815.
Description of Relief Sought: Allow the 20-inch minimum passenger aisle width to be reduced to 15 inches for cabin configurations with up to 12 passenger seats for Textron Aviation Model 700 airplanes.

[FR Doc. 2017–12027 Filed 6–9–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: St. Louis County, Missouri

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will not be prepared for proposed improvements to the corridor generally following the existing pathway created by Missouri Bottom Road, Aubuchon Road, and Charbonier Road between Earth City Expressway and Howdershell/Shackelford Road in northwestern St. Louis County, Missouri.

FOR FURTHER INFORMATION CONTACT: Ms. Raegan Ball, Program Development Team Leader, FHWA Division Office, 3220 West Edgewood, Suite H, Jefferson City, MO 65109, Telephone: (573) 638–2620; or Mr. Ed Hassinger, Chief Engineer, Missouri Department of Transportation, 105 W. Capitol Avenue, Jefferson City, MO 65102, Telephone: (573) 751–3692. Questions may also be directed to the Local Public Agency sponsor by contacting Mr. Adam Spector, Transportation Studies Project Manager, St. Louis County Department of Transportation, 1050 N. Lindbergh, Clayton, Missouri 63132, Telephone: (314) 615–8594.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Missouri Department of Transportation (MoDOT) and the St. Louis County Department of Transportation, published a notice of intent to prepare an EIS in the **Federal Register** dated September 13, 2011 (76 FR 56492) to investigate potential corridor improvements for Missouri Bottom Road, Aubuchon Road, and Charbonier Road in St. Louis County, Missouri.

Due to a lack of long-term funding for construction of the draft preferred alternative, the project has been put on hold indefinitely. At this time, there are no plans to prepare a Final EIS for this project.

Comments or questions concerning this notice should be directed to FHWA, MoDOT, or St. Louis County Department of Transportation at the addresses provided above.

Issued on: May 4, 2017.

Kevin Ward,

Division Administrator, Jefferson City, Missouri.

[FR Doc. 2017–12081 Filed 6–9–17; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0406]

Commercial Driver's License Standards: C.R. England, Inc.; Granting of Renewal of Exemption

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

ACTION: Notice of renewal of exemption; request for comments.

SUMMARY: FMCSA announces its decision to renew an exemption for C.R. England, Inc. (C.R. England) requirements that a commercial learner's permit (CLP) holder is always

[37] 17 CFR 200.30–3(a)(12).

accompanied by a commercial driver's license (CDL) holder with the proper CDL class and endorsements, seated in the front seat of the vehicle while the CLP holder operates it on public roads or highways. The exemption renewal allows CLP holders who have passed the skills test but not yet received the CDL document to drive a C.R. England commercial motor vehicle (CMV) accompanied by a CDL holder who is not necessarily in the passenger seat, provided the driver has documentation of passing the skills test. C.R. England currently holds an exemption for the period June 11, 2015 through June 12, 2017. FMCSA requests public comment on the renewal of C.R. England's exemption.

DATES: This exemption renewal is effective June 13, 2017, through June 12, 2022. Comments must be received on or before July 12, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2014–0406 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* See the *Public Participation and Request for Comments* section below for further information.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, contact Mr. Tom Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards, Telephone: 614–942–6477. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2014–0406), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comments online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2014–0406'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the exemption, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment.

The Agency reviews safety analyses and public comments submitted, and determines whether renewal of the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Request for Exemption Renewal

C.R. England's initial exemption application from the provisions of 49 CFR 383.25(a)(1) was submitted in 2014; a copy is in the docket identified at the beginning of this notice. The 2014 application described fully the nature of the C.R. England operations and CMV drivers. The exemption was originally granted on June 11, 2015 (80 FR 33329). C. R. England now requests a renewal of the exemption.

The current exemption excuses C.R. England from the requirement that a driver accompanying a CLP holder must be physically present at all times in the front seat of a CMV, on the condition that the CLP holder has successfully passed an approved CDL skills test. C.R. England's 2014 application argued that the existing requirement is inefficient and unproductive, as the company must incur added expense to send the driver to his or her home State to collect a CDL document. Under that rule, the driver is not only unable to utilize newly acquired driving skills, but must also forego compensation before obtaining a CDL. C.R. England believes that FMCSA should renew the exemption for an additional 5-year period because it results in safer drivers. It allows C.R. England to foster a more productive and efficient training environment by allowing CLP holders to hone their recently acquired driving skills through on-the-job training and to begin earning an income right away, producing immediate benefits for the driver, the carrier, and the economy as a whole.

IV. Method To Ensure an Equivalent or Greater Level of Safety

C.R. England states that the exemption does not negatively affect safety outcomes. Instead, it allows drivers trained out-of-state to obtain on-the-job experience in C.R. England's comprehensive training program while avoiding significant delays and skill degradation. The exemption creates immediate economic and safety benefits for both the CLP holders and C.R. England—the driver earns an income as part of a team operation while improving driver skills and gaining valuable experience.

C.R. England indicated in its renewal application that 3,046 drivers had utilized the original exemption. Its safety data show that drivers using the exemption demonstrated better safety outcomes than non-exempt drivers. Through the end of 2016, C.R. England reported 11 accidents to FMCSA involving drivers utilizing the exemption, none of which resulted in a fatality. The renewal of the exemption would be effective for 5 years, the maximum period allowed by § 381.300.

V. Terms and Conditions of the Exemption

Period of the Exemption

This exemption from the requirements of 49 CFR 383.25(a)(1) is effective during the period of June 13, 2017, through June 12, 2022.

Extent of the Exemption

The exemption is contingent upon C.R. England maintaining USDOT registration, minimum levels of public liability insurance, and not being subject to any ''imminent hazard'' or other out-of-service (OOS) order issued by FMCSA. Each driver covered by the exemption must maintain a valid driver's license and CLP with the required endorsements, document that he or she has passed the CDL skills test, not be subject to any OOS order or suspension of driving privileges, and meet all physical qualifications required by 49 CFR part 391.

Preemption

During the period this exemption is in effect, no State may enforce any law or regulation that conflicts with or is inconsistent with the exemption with respect to a person or entity operating under the exemption (49 U.S.C. 31315(d)).

FMCSA Accident Notification

C.R. England must notify FMCSA within 5 business days of any accidents (as defined by 49 CFR 390.5) involving the operation of any of its CMVs while utilizing this exemption. The notification must be by email to *MCPSD@DOT.GOV,* and include the following information:

1. Name of the Exemption: ''C.R. England CLP''
2. Date of the accident,
3. City or town, and State, in which the accident occurred, or which is closest to the scene of the accident,
4. Driver's name and driver's license number,
5. Vehicle number and State license number,
6. Number of individuals suffering physical injury,
7. Number of fatalities,
8. The police-reported cause of the accident,
9. Whether the driver was cited for violation of any traffic laws, or motor carrier safety regulations, and
10. The total driving time and the total on-duty time of the CMV driver at the time of the accident.

VI. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b)(4), FMCSA requests public comment on the renewal of C.R. England's exemption from the provisions in 49 CFR 383.25(a)(1). The Agency will consider all comments received by close of business on July 12, 2017. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice.

VII. Safety Oversight

FMCSA expects C.R. England, operating under the terms and conditions of this exemption, to maintain its safety record. However, should safety deteriorate, FMCSA will, consistent with the statutory requirements of 49 U.S.C. 31315, take all steps necessary to protect the public interest. Authorization of the exemption is discretionary, and FMCSA will immediately revoke the exemption for failure to comply with the terms and conditions of the exemption.

Issued on: June 6, 2017.

Randi F. Hutchinson,

Chief Counsel.

[FR Doc. 2017–12082 Filed 6–9–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, July 13, 2017.

FOR FURTHER INFORMATION CONTACT: Otis Simpson at 1–888–912–1227 or 202–317–3332.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be held Thursday, July 13, 2017, at 12:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Otis Simpson. For more information please contact Otis Simpson at 1–888–912–1227 or 202–317–3332, or write TAP Office, 1111 Constitution Ave. NW., Room 1509, Washington, DC 20224 or contact us at the Web site: *http://www.improveirs.org.* The agenda will include various IRS issues. Otis Simpson. For more information please contact Otis Simpson at 1–888–912–1227 or 202–317–3332, or write TAP Office, 1111 Constitution Ave. NW., Room 1509, Washington, DC 20224 or contact us at the Web site: *http://www.improveirs.org.* The agenda will include various IRS issues.

The agenda will include a discussion on various letters, and other issues related to written communications from the IRS.

Dated: June 1, 2017.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2017–12102 Filed 6–9–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, July 11, 2017.

FOR FURTHER INFORMATION CONTACT: Robert Rosalia at 1–888–912–1227 or (718) 834–2203.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be held Tuesday, July 11, 2017, at 12:00 p.m., Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Robert Rosalia. For more information please contact Robert Rosalia at 1–888–912–1227 or (718) 834–2203, or write TAP Office, 2 Metrotech Center, 100 Myrtle Avenue, Brooklyn, NY 11201 or contact us at the Web site: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: June 1, 2017.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2017–12101 Filed 6–9–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

United States Mint

Pricing for the 2017 American Liberty 225th Anniversary Silver Medal

AGENCY: United States Mint, Department of the Treasury.

ACTION: Notice.

SUMMARY: The United States Mint is announcing the price of the 2017 American Liberty 225th Anniversary Silver Medal. Each medal will be priced at $59.95. The silver medals will be minted at the United States Mint at Philadelphia.

FOR FURTHER INFORMATION CONTACT: Katrina McDow, Marketing Specialist, Numismatic and Bullion Directorate; United States Mint; 801 9th Street NW., Washington, DC 20220; or call 202–354–8495.

Authority: 31 U.S.C. 5111(a)(2)

Dated: June 5, 2017.

Jean Gentry,

Chief Counsel, United States Mint.

[FR Doc. 2017–12034 Filed 6–9–17; 8:45 am]

BILLING CODE P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission. The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on June 22, 2017 on ''U.S. Access to China's Consumer Market: E-Commerce, Financial Services, and Logistics''.

DATES: The meeting is scheduled for Thursday, June 22, 2017, from 10:00 a.m. to 2:20 p.m.

ADDRESSES: Russell Senate Office Building, Room 188, Washington, DC. A detailed agenda for the hearing will be posted on the Commission's Web site at *www.uscc.gov.* Also, please check the Commission's Web site for possible changes to the hearing schedule. *Reservations are not required to attend the hearing.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Leslie Tisdale, 444 North Capitol Street NW., Suite 602, Washington, DC 20001; telephone: 202–624–1496, or via email at *ltisdale@uscc.gov.* Reservations are not required to attend the hearing.

SUPPLEMENTARY INFORMATION:

Background: This is the seventh public hearing the Commission will hold during its 2017 report cycle. This hearing will examine recent developments in China's e-commerce, logistics, and financial services sectors and identify opportunities and challenges for U.S. companies. The hearing will be co-chaired by Senator Byron Dorgan and Commissioner Glenn Hubbard. Any interested party may file a written statement by June 22, 2017, by mailing to the contact information above. A portion of each panel will include a question and answer period between the Commissioners and the witnesses.

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Public Law 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Dated: June 6, 2017.

Michael Danis,

Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2017–12038 Filed 6–9–17; 8:45 am]

BILLING CODE 1137–00–P

Reader Aids

Federal Register

Vol. 82, No. 111

Monday, June 12, 2017

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6050**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, JUNE

25203–25502 1
25503–25714 2
25715–25930 5
25931–26334 6
26335–26570 7
26571–26738 8
26739–26842 9
26843–26978 12

CFR PARTS AFFECTED DURING JUNE

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
9618 25921
9619 25923
9620 25925
9621 25927
9622 25929

5 CFR

1201 25715
1800 26739

7 CFR

800 26843
4279 26335
Proposed Rules:
982 26859

10 CFR

72 25931
Proposed Rules:
72 25973

12 CFR

1263 25716
Proposed Rules:
229 25539
701 ..... 26378, 26605
703 26378
705 26378
708a 26378, 26605
708b 26605
709 26378
741 26378
745 26378
746 ..... 26378, 26391
747 26378
750 26378

13 CFR

121 25503
134 25503

14 CFR

23 25509
39 ..... 25723, 25936, 25940, 25943, 25946, 25954, 26571, 26573, 26576, 26579, 26580, 26843
71 ..... 25958, 25959, 26336, 26338
Proposed Rules:
39 ..... 25542, 25545, 25547, 25550, 25552, 25554, 25556, 25742, 25744, 25746, 25748, 25975, 25978, 25980, 25983, 25986, 26403, 26615, 26617, 26758, 26864, 26867, 26869, 26872, 26874
71 ..... 25559, 25561, 25563, 25988, 25989, 25991, 26406, 26408, 26409, 26619

15 CFR

922 26339

18 CFR

Proposed Rules:
1318 26620

19 CFR

12 ..... 26340, 26582

21 CFR

814 26348
1308 26349
Proposed Rules:
1308 25564

23 CFR

490 25726

28 CFR

Proposed Rules:
16 25751

29 CFR

Proposed Rules:
405 26877
406 26877

30 CFR

250 26741

33 CFR

100 ..... 25511, 25960
117 ..... 25726, 25727, 26584, 26744, 26745, 26746
165 ..... 25515, 25517, 25519, 25521, 25728, 25962, 25964, 25965, 26584, 26586, 26746, 26749, 26846, 26848
Proposed Rules:
Ch. I 26632
110 25207
165 26760

36 CFR

1270 26588

37 CFR

201 26850
202 26850

38 CFR

60 26592
14 26751

40 CFR

52 ..... 25203, 25523, 25969, 26351, 26594, 26596, 26754, 26854
60 25730

62.....25734, 25969
80.....26354
81.....25523
171.....25529
180.....25532, 26599
232.....26603
258.....25532
Proposed Rules:
52 .....25208, 25211, 25213, 25992, 25996, 25999, 26007, 26634, 26638, 26762, 26883
62.....25753, 25969
158.....25567
258.....25568
174.....26639, 26641
180.....26641
423.....26017
721.....26644

42 CFR

Proposed Rules:
Ch. IV.....26885
483.....26649

44 CFR

64.....25739
Proposed Rules:
1.....26411

45 CFR

Proposed Rules:
Subtitle A 26885
1148.....26763

46 CFR

Proposed Rules:
Ch. I 26632
Ch. III 26632
515.....25221
520.....25221
525.....25221
530.....25221
531.....25221
532.....25221
535.....25221
540.....25221
565.....25221

47 CFR

0.....25660
1.....25660
25.....25205
36.....25535
61.....25660
63.....25660
69.....25660
96.....26857
Proposed Rules:
1.....26019
8.....25568
54.....26653
20.....25568
73.....25590, 26887

49 CFR

7.....25740
270.....26359
571.....26360
585.....26360
Proposed Rules:
383.....26888, 26894
384.....26894
387.....25753
Ch. IV.....26632

50 CFR

217.....26360
622.....25205, 26366
635.....26603
Proposed Rules:
Ch. II 26419
Ch. III 26419
Ch. IV.....26419
Ch. V.....26419
Ch. VI.....26419
660.....26902

LIST OF PUBLIC LAWS

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H.R. 366/P.L. 115–38
DHS Stop Asset and Vehicle Excess Act (June 6, 2017; 131 Stat. 855)

H.R. 375/P.L. 115–39
To designate the Federal building and United States courthouse located at 719 Church Street in Nashville, Tennessee, as the ''Fred D. Thompson Federal Building and United States Courthouse''. (June 6, 2017; 131 Stat. 860)

Last List June 6, 2017

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