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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1260

[Doc. # AMS-LPS-16-0071]

Beef Promotion and Research; Reapportionment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule adjusts representation on the Cattlemen's Beef Promotion and Research Board (Board), established under the Beef Promotion and Research Act of 1985 (Act), to reflect changes in domestic cattle inventories and changes in levels of imported cattle, beef, and beef products that have occurred since the Agricultural Marketing Service (AMS) last reapportioned the Board in July 2014. These adjustments are required by the Beef Promotion and Research Order (Order) and will result in a decrease in Board membership from 100 to 99, effective with the U.S. Department of Agriculture's (USDA) appointments for terms beginning early in the year 2018.

DATES: Effective July 17, 2017.

FOR FURTHER INFORMATION CONTACT: Mike Dinkel, Agricultural Marketing Specialist; Research and Promotion Division; Livestock, Poultry, and Seed Program, AMS, USDA; Room 2610-S, STOP 0249, 1400 Independence Avenue SW., Washington, DC 20250-0249; via telephone at (301) 352-7497; or by email at Michael.Dinkel@ams.usda.gov.

SUPPLEMENTARY INFORMATION:

Executive Orders 12866 and 13771, and Regulatory Flexibility Act

This rule does not meet the definition of a significant regulatory action contained in section 3(f) of Executive Order 12866 and is not subject to review by the Office of Management and Budget (OMB). Additionally, because

this rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled "Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs'" (February 2, 2017). Under the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601-612), AMS has considered the economic impact of this action on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have a retroactive effect.

The Act prohibits states or political subdivisions of a state to impose any requirement that is in addition to, or inconsistent with, any requirement of the Act. There are no civil justice implications associated with this final rule.

Paperwork Reduction Act

In the February 2013 publication of "Farms, Land in Farms, and Livestock Operations," USDA's National Agricultural Statistics Service estimated that the number of operations in the U.S. with cattle totaled approximately 915,000 in 2012, down from 950,000 in 2009. There are approximately 270 importers who import beef or edible beef products into the United States and 198 importers who import live cattle into the United States. It is estimated that the majority of those operations subject to the Order are considered small businesses under the criteria established by the Small Business Administration (SBA) [13 CFR 121.201]. SBA generally defines small agricultural service firms as those having annual receipts of \$7.5 million or less, and small agricultural producers are generally defined as those having annual receipts of less than \$750,000.

The final rule imposes no new burden on the industry; it only adjusts representation on the Board to reflect changes in domestic cattle inventory, as well as in cattle and beef imports. The adjustments are required by the Order

and will result in a decrease in Board membership from 100 to 99.

AMS is committed to complying with the E-Government Act of 2002 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.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Background

The Act established a national beef research and promotion program—administered by the Board—that is financed through industry assessments and subject to oversight by USDA's AMS. This program of promotion and research is designed to strengthen the position of beef and beef products in the marketplace and to establish, maintain, and expand markets for beef and beef products both domestically and internationally. Domestic representation on the Board is based on cattle inventory numbers, while importer representation is based on the conversion of the volume of imported cattle, beef, and beef products into live animal equivalencies.

Section 1260.141(c) of the Order provides that at least every 3 years and not more than every 2 years, the Board shall review the geographic distribution of cattle inventories throughout the United States and the volume of imported cattle, beef, and beef products and, if warranted, shall reapportion units and/or modify the number of Board members from units to reflect the geographic distribution of cattle production volume in the United States and the volume of cattle, beef, or beef products imported into the United States.

Section 1260.141(d) of the Order authorizes the Board to recommend to the Secretary of Agriculture modifications to the number of cattle per unit necessary for representation on the Board.

Section 1260.141(e)(1) of the Order provides that each geographic unit or state that includes a total cattle inventory equal to or greater than 500,000 head of cattle shall be entitled to one representative on the Board. Section 1260.141(e)(2) provides that states that do not have total cattle inventories equal to or greater than

500,000 head shall be grouped, to the extent practicable, into geographically contiguous units, each of which has a combined total inventory of not less than 500,000 head. Such grouped units are entitled to at least one representative on the Board. Each unit is entitled to an

additional Board member for each additional 1 million head of cattle within the unit, as provided in § 1260.141(e)(4). Further, as provided in § 1260.141(e)(3), importers shall be represented by a single unit, with the number of Board members representing

such unit based on a conversion of the total volume of imported cattle, beef, or beef products into live animal equivalencies.

Representation of states and units affected by this final rule is as follows:

State/unit	Current representation	Revised representation
Virginia	2	1
Texas	13	12
Importers	6	7

The Board reapportionment will take effect with appointments to fill positions early in the year 2018.

Summary of Comments

AMS published the notice of proposed rulemaking in the **Federal Register** on January 13, 2017. The comment period closed on April 13, 2017. AMS received four timely comments. Three of the four comments were outside the scope of the rule. One commenter suggested that the latest statistical survey of cattle in Virginia released in February 2017 verifies that Virginia does in fact retain the prerequisite greater than 1.5 million head of cattle to justify two seats on the Board. For the purpose of this final rule,

domestic cattle numbers are determined by using an average of 3 years to better reflect the geographic distribution of cattle production volume in the United States. Accordingly, this comment was not adopted.

List of Subjects in 7 CFR Part 1260

Administrative practice and procedure, Advertising, Agricultural research, Imports, Meat and meat products, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1260 is amended as follows:

PART 1260—BEEF PROMOTION AND RESEARCH

■ 1. The authority citation for 7 CFR part 1260 continues to read as follows:

Authority: 7 U.S.C. 2901–2911 and 7 U.S.C. 7401.

■ 2. In § 1260.141, revise paragraph (a) to read as follows:

§ 1260.141 Membership of Board.

(a) Beginning with the 2017 Board nominations and the associated appointments effective early in the year 2018, the United States shall be divided into 37 geographical units and 1 unit representing importers, for a total of 38 units. The number of Board members from each unit shall be as follows:

CATTLE AND CALVES ¹

State/unit	(1,000 head)	Directors
1. Arizona	900	1
2. Arkansas	1,660	2
3. Colorado	2,600	3
4. Florida	1,680	2
5. Idaho	2,307	2
6. Illinois	1,143	1
7. Indiana	873	1
8. Iowa	3,867	4
9. Kansas	5,983	6
10. Kentucky	2,110	2
11. Louisiana	787	1
12. Michigan	1,133	1
13. Minnesota	2,347	2
14. Mississippi	923	1
15. Missouri	3,983	4
16. Montana	2,567	3
17. Nebraska	6,317	6
18. New Mexico	1,340	1
19. New York	1,450	1
20. North Carolina	803	1
21. North Dakota	1,697	2
22. Ohio	1,243	1
23. Oklahoma	4,567	5
24. Oregon	1,300	1
25. Pennsylvania	1,580	2
26. South Dakota	3,783	4
27. Tennessee	1,770	2
28. Texas	11,500	12
29. Utah	807	1
30. Virginia	1,487	1
31. Wisconsin	3,467	3
32. Wyoming	1,293	1

CATTLE AND CALVES ¹—Continued

State/unit	(1,000 head)	Directors
33. Northwest		1
Alaska	10	
Hawaii	135	
Washington	1,137	
Total	1,282	
34. Northeast		1
Connecticut	48	
Delaware	16	
Maine	84	
Massachusetts	38	
New Hampshire	32	
New Jersey	28	
Rhode Island	5	
Vermont	260	
Total	511	
35. Mid-Atlantic		1
Maryland	186	
West Virginia	382	
Total	567	
36. Southeast		3
Alabama	1,240	
Georgia	1,057	
South Carolina	337	
Total	2,633	
37. Southwest		6
California	5,183	
Nevada	442	
Total	5,625	
38. Importers ²	6,949	7

¹ 2014, 2015, and 2016 average of January 1 cattle inventory data.

² 2013, 2014, and 2015 average of annual import data.

* * * * *

Dated: June 13, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017-12528 Filed 6-15-17; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 537

Removal of Burmese Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is removing from the Code of Federal Regulations the

Burmese Sanctions Regulations as a result of the termination of the national emergency on which the regulations were based.

DATES: *Effective:* June 16, 2017.

FOR FURTHER INFORMATION CONTACT: The Department of the Treasury's Office of Foreign Assets Control: Assistant Director for Licensing, tel.: 202/622-2480, Assistant Director for Regulatory Affairs, tel.: 202/622-4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622-2490, or the Department of the Treasury's Office of the Chief Counsel (Foreign Assets Control), Office of the General Counsel, tel.: 202/622-2410.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (www.treasury.gov/ofac).

Background

On May 20, 1997, the President issued Executive Order 13047, "Prohibiting New Investment in Burma" (E.O. 13047), in which the President declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the actions and policies of the Government of Burma, in response to a deepening pattern of severe repression by the State Law and Order Restoration Council, the then-governing regime in Burma. In E.O. 13047, the President also determined and certified that, for purposes of section 570(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104-208), the Government of Burma had committed large-scale repression of the democratic opposition in Burma after September 30, 1996, and E.O. 13047 imposed a prohibition on new investment in

Burma. The scope of the national emergency with respect to Burma was modified and additional steps were taken to respond to the threat posed by the actions and policies of the Government of Burma in Executive Order 13310 of July 28, 2003 (E.O. 13310); Executive Order 13448 of October 18, 2007 (E.O. 13448); Executive Order 13464 of April 30, 2008 (E.O. 13464); Executive Order 13619 of July 11, 2012 (E.O. 13619); and Executive Order 13651 of August 6, 2013 (E.O. 13651). Further actions also were taken under Burma sanctions statutes, namely the Burmese Freedom and Democracy Act of 2003 (Public Law 108-61) and the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008 (Public Law 110-286) (JADE Act).

On May 21, 1998, OFAC issued the Burmese Sanctions Regulations, 31 CFR part 537 (the "Regulations"), as a final rule to implement E.O. 13047. The Regulations were amended and reissued in their entirety in 2005 to implement E.O. 13310, and again in 2014 to implement E.O. 13448, E.O. 13464, E.O. 13619, and E.O. 13651. OFAC also has amended the Regulations on various occasions to add general licenses and make other updates, as well as issued and made available on its Web site several general licenses.

On October 7, 2016, the President issued Executive Order 13742, "Termination of Emergency With Respect to the Actions and Policies of the Government of Burma" (E.O. 13742). In E.O. 13742, the President found that the situation that gave rise to the declaration of a national emergency in E.O. 13047, with respect to the actions and policies of the Government of Burma, had been significantly altered by Burma's substantial advances to promote democracy, including historic elections in November 2015 that resulted in the former opposition party, the National League for Democracy, winning a majority of seats in the national parliament and the formation of a democratically elected, civilian-led government; the release of many political prisoners; and greater enjoyment of human rights and fundamental freedoms, including freedom of expression and freedom of association and peaceful assembly. Accordingly, the President terminated the national emergency declared in E.O. 13047, and revoked that order, E.O. 13310, E.O. 13448, E.O. 13464, E.O. 13619, and E.O. 13651.

As a result, OFAC is removing the Regulations from the Code of Federal Regulations. Pursuant to section 202 of the National Emergencies Act (50 U.S.C.

1622) and section 1 of E.O. 13742, termination of the national emergency declared in E.O. 13047, as modified in scope by E.O. 13448 and E.O. 13619, shall not affect any action taken or proceeding pending not fully concluded or determined as of 1:00 p.m. eastern daylight time on October 7, 2016 (the effective date of E.O. 13742), any action or proceeding based on any act committed prior to the effective date, or any rights or duties that matured or penalties that were incurred prior to the effective date.

Public Participation

Because the Regulations involve a foreign affairs function, the provisions of Executive Order 12866 and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date and the provisions of Executive Order 13771 are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601-612) does not apply.

Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not impose information collection requirements that would require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

List of Subjects in 31 CFR Part 537

Administrative practice and procedure, Banks, Banking, Blocking of assets, Burma, Credit, Exportation, Foreign Trade, Importation, Imports, Investments, Jadeite, Loans, New investment, Penalties, Reporting and recordkeeping requirements, Rubies, Securities, Services, Specially Designated Nationals.

For the reasons set forth in the preamble, and under the authority of 3 U.S.C. 301; 50 U.S.C. 1601-1651; Pub. L. 110-286, 122 Stat. 2632; E.O. 13047, 62 FR 28301, 3 CFR, 1997 Comp., p. 202; E.O. 13310, 68 FR 44853, 3 CFR, 2003 Comp., p. 241; E.O. 13448, 72 FR 60223, 3 CFR, 2007 Comp., p. 304; E.O. 13464, 73 FR 24491, 3 CFR, 2008 Comp., p. 189; E.O. 13619, 77 FR 41243, 3 CFR, 2012 Comp., p. 279; E.O. 13651, 78 FR 48793, 3 CFR, 2014 Comp., p. 324; and E.O. 13742, 81 FR 70593 (October 12, 2016), OFAC amends 31 CFR chapter V as follows:

PART 537—[REMOVED]

- 1. Remove part 537.

Dated: June 13, 2017.

John E. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2017-12557 Filed 6-15-17; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 3

[Docket Number USCG-2017-0436]

Coast Guard Sector, Marine Inspection Zone, and Captain of the Port Zone Structure; Technical Amendment

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: This rule makes non-substantive amendments to Coast Guard regulations in association with a change in the Coast Guard's internal organization. The amendment describes the boundaries of a sector, marine inspection zones, and Captain of the Port zones; and describes the reporting relationship between field units; or reflects a change in the identity of the field unit that is responsible for a particular matter. This rule will have no substantive effect on the regulated public.

DATES: This rule is effective June 15, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2017-0436 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 Steve Youde at (985) 380-5318 or at steven.m.youde@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

In June 2015, the Coast Guard decided to make a change to the reporting relationship between several of its units within the Eighth District. Specifically, Marine Safety Unit (MSU) Houma, Louisiana, will report directly to Sector

New Orleans, Louisiana, and MSU Morgan City, Louisiana, will report to MSU Houma. Currently, MSU Houma reports to MSU Morgan City. This action is needed in order to improve efficiency and increase capabilities by placing resources in closer proximity to work. Coast Guard forces in the MSU Morgan City area of responsibility are currently made up of the parent command at MSU Morgan City, a sub-unit, MSU Houma, located in Houma, and a small detached duty office located in Lafayette. This arrangement was appropriate when Morgan City was the hub of the offshore industry, but the energy boom and associated rise of deepwater exploration and production has made Port Fourchon, located much closer to Houma, the hub of the offshore industry. As a result, the marine safety workload has both increased and moved southeast towards Houma. To a lesser degree, the workload in Lafayette has also increased. This organizational change will transfer the larger command element, including the Captain of the Port (COTP) and Officer in Charge Marine Inspection (OCMI) and several offshore functions, including: Port state control, offshore investigations, and offshore pollution response from Morgan City to Houma. Houma is the central airborne support area for the Gulf of Mexico, the location of the district Bureau of Safety and Environmental Enforcement (BSEE) office, and the location of the Coast Guard's Outer Continental Shelf National Center of Expertise. Houma is a larger city than Morgan City and has better infrastructure to locate most of the Coast Guard Marine Safety functions and resources currently residing in Morgan City.

The purpose of this rulemaking is to align the text of 33 CFR 3.40–15 with a change in the Coast Guard's internal organization.

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under both 5 U.S.C. 553(b) (A) and (B), the Coast Guard finds that this rule is exempt from notice and comment rulemaking requirements because these changes involve rules of agency organization, and good cause exists for not publishing an NPRM because the changes made are all non-substantive. This rule consists only of organizational amendments. These changes will have no substantive effect on the public; therefore, it is unnecessary to publish an NPRM. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that, for the same reasons, good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The

rule makes non-substantive amendments to 33 CFR 3.40–15, in order to align with a change in the Coast Guard's internal organization. The rule describes the boundaries of a Sector, marine inspection zones, and Captain of the Port zones; and describes the reporting relationship between field units; or reflects a change in the identity of the field unit that is responsible for a particular matter. This rule will have no substantive effect on the regulated public.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 14 U.S.C. 93(a)(2), as delegated, to establish, change the location of, maintain, and operate Coast Guard shore establishments. The rule is needed to reflect a change in the Coast Guard's internal organization.

IV. 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.

B. Impact on Small Entities

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

Under 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.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires federal agencies to assess the effects of

their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a state, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule consists only of organizational amendments. It is categorically excluded from further review under paragraph 34(b) of Figure 2–1 of the Commandant Instruction.

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 3

Organization and functions
(Government agencies).

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 3 as follows:

PART 3—SAFETY COAST GUARD AREAS, DISTRICTS, SECTORS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT ZONES

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

Authority: 14 U.S.C. 92 & 93; Pub. L. 107–296, 116 Stat. 2135; Department of Homeland Security Delegation No. 0170.1, para. 2(23).

§ 3.40–15 [Amended]

■ 2. In § 3.40–15, remove the words “Morgan City” wherever they appear in the section and add in their place the word “Houma”.

Dated: May 25, 2017.

W.R. Arguin,
*Captain, U.S. Coast Guard, Sector
Commander.*

[FR Doc. 2017–12578 Filed 6–13–17; 4:15 pm]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2017–0435]

RIN 1625–AA08

Special Local Regulation; Ohio River, New Martinsville, WV

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation for all navigable waters, surface to bottom, of the Ohio River miles 127.5 to 128.5. This action is necessary to provide for the safety of life on these navigable waters near New Martinsville, WV during a high-speed boat race on June 17, 2017 and June 18, 2017. This regulation prohibits persons and vessels from being in the regulated area unless authorized by the Captain of the Port Ohio Valley or a designated representative.

DATES: This rule is effective from 8:45 a.m. to 6:15 p.m. on June 17, 2017 and June 18, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2017–0435 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 Petty Officer Robert Miller, Marine Safety Unit Huntington, U.S. Coast Guard; telephone 304–733–0198, email Robert.A.Miller2@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

On May 11, 2017, the New Martinsville Vintage Regatta notified the

Coast Guard that it will be sponsoring a high-speed boat race from 8:45 a.m. to 6:15 p.m. daily on June 17, 2017 and June 18, 2017 on the Ohio River miles 127.5 to 128.5 in the vicinity of New Martinsville, WV.

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 is impracticable. We must establish this safety zone by June 17, 2017 and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

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**. This rule is necessary for the safety of life during the high-speed boat race on these navigable waters. It would be impracticable to delay this rule to provide a full 30 days notice because the event is scheduled, under contractual obligation and advertised to the local community to take place on June 17, 2017 and June 18, 2017.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1233. The Captain of the Port Ohio Valley (COTP) has determined that potential hazards associated with the high-speed boat race to occur on June 17, 2017 and June 18, 2017, present a safety concern for anyone within the regulated area. The purpose of this rulemaking is to ensure the safety of people and property within the regulated area before, during, and after the scheduled event.

IV. Discussion of Comments, Changes, and the Rule

This rule establishes a temporary special local regulation from 8:45 a.m. to 6:15 p.m. on June 17, 2017 and June 18, 2017. The temporary special local regulation will cover all navigable waters, surface to bottom, from mile 127.5 to 128.5 on the Ohio River in the vicinity of New Martinsville, WV. The duration of the regulated area is intended to ensure the safety of vessels and these navigable waters before,

during, and after the scheduled event. No vessel or person will be permitted to enter the temporary special local regulation 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

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

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

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the regulated area. Vessel traffic will be able to safely navigate through the affected area before and after the scheduled event. The Coast Guard will issue Broadcast Notice to Mariners via VHF-FM marine channel 16 about the regulated area and the rule allows vessels to seek permission to enter the area.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 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.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a temporary special local regulation lasting from 8:45 a.m. to 6:15 p.m. daily on June 17, 2017 and June 18, 2017. It is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protestors. Protesters are asked to contact the

person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and Recordkeeping Requirements, Waterways.

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Add temporary § 100.35T08–0435 to read as follows:

§ 100.35T08–0435 Special Local Regulation; Ohio River, New Martinsville, WV.

(a) *Location.* All navigable waters of the Ohio River, surface to bottom, beginning at mile marker 127.5 and ending at mile marker 128.5 at New Martinsville, WV.

(b) *Periods of enforcement.* This rule will be enforced from 8:45 a.m. to 6:15 p.m. daily on June 17, 2017 and June 18, 2017.

(c) *Regulations.* (1) In accordance with the general regulations in § 100.801 of this part, entry into this area is prohibited unless authorized by the Captain of the Port Ohio Valley or a designated representative.

(2) Persons or vessels requiring entry into or passage through the area must request permission from the Captain of the Port Ohio Valley or a designated representative. U.S. Coast Guard Sector Ohio Valley may be contacted on VHF Channel 13 or 16, or at 1–800–253–7465.

(d) *Informational Broadcasts.* The COTP Ohio Valley or a designated representative will inform the public through broadcast notices to mariners of the enforcement period for the special local regulation, as well as any changes in the dates and times of enforcement.

Dated: June 12, 2017.

M.B. Zamperini,

Captain, U.S. Coast Guard, Captain of the Port Ohio Valley.

[FR Doc. 2017–12499 Filed 6–15–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0241]

RIN 1625–AA00

Safety Zone; Boston Harbor, Boston, MA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 300-yard radius of the fireworks barge positioned in vicinity of the western side of Spectacle Island in Boston Harbor. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by a barge based fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port (COTP) Boston.

DATES: This rule is effective from 8 p.m. through 10:30 p.m. on June 16, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2017–0241 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 Mark Cutter, Waterways Management Division, U.S. Coast Guard Sector Boston, telephone 617–223–4000, email Mark.E.Cutter.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are

“impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM with respect to this rule because doing so would be impracticable and contrary to the public interest. The late finalization of event details from the sponsor did not give the Coast Guard enough time to publish an NPRM, take public comments, and issue a final rule before the event is set to begin. It would be impracticable and contrary to the public interest to delay promulgating this rule as it is necessary to protect the safety of the public and waterway users.

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

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. COTP Boston has determined that potential hazards associated with the event on June 16, 2017 will be a safety concern for personnel, vessels, and the marine environment from potential hazards created by a barge based fireworks display. The purpose of this rule is to ensure safety of the marine environment and navigable waters in the safety zone before, during, and after the scheduled event.

IV. Discussion of the Rule

This rule establishes a safety zone from 8 p.m. through 10:30 p.m. on June 16, 2017. The safety zone will cover all navigable waters within specific geographic locations specified in the regulatory text on the navigable waters of Boston Harbor, Boston, Massachusetts. Vessels not associated with the fireworks display shall maintain a distance of at least 300 yards from the fireworks barge. The duration of the zone is intended to ensure the safety of maritime public before, during, and after the event scheduled from 8 p.m. through 10:30 p.m. No vessel or person would 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.

We expect the economic impact of this rule to be minimal. This regulation may have some impact on the public, but that potential impact will likely be minimal for several reasons. First, this safety zone will be in effect for less than three hours. Second, vessels may enter or pass through the safety zone during an enforcement period with the permission of the COTP or the designated representative. Finally, the Coast Guard will provide notification to the public through Local Notice to Mariners and Broadcast Notice to Mariners well in advance of the event.

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 all of the reasons discussed in the Regulatory Planning and Review Section, 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 M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting less than three hours that will prohibit entry into a 300 yards zone around the fireworks. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An Record of Environmental Consideration (REC) 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, and 160.5; Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 165.T01–0241 to read as follows:

§ 165.T01–0241 Safety Zone—Boston Harbor Now—Boston Harbor, Boston, Massachusetts.

(a) *General.* Establish a temporary safety zone:

(1) *Location.* The following area is a safety zone: All navigable waters within

300-yard radius of the fireworks barge positioned in vicinity of 42°19'14" N., 070°59'36" W. before, during, and after the fireworks display.

(2) *Effective and enforcement period.* This rule will be effective on June 16, 2017, from 8 p.m. through 10:30 p.m.

(b) *Regulations.* While this safety zone is being enforced, the following regulations, along with those contained in 33 CFR 165.23 apply:

(1) No person or vessel may enter or remain in this safety zone without the permission of the Captain of the Port (COTP) or the COTP's representatives. However, any vessel that is granted permission by the COTP or the COTP's representatives must proceed through the area with caution and operate at a speed no faster than that speed necessary to maintain a safe course, unless otherwise required by the Navigation Rules.

(2) Any person or vessel permitted to enter the safety zone shall comply with the directions and orders of the COTP or the COTP's representatives. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing lights, or other means, the operator of a vessel within the zone shall proceed as directed. Any person or vessel within the safety zone shall exit the zone when directed by the COTP or the COTP's representatives.

(3) To obtain permissions required by this regulation, individuals may reach the COTP or a COTP representative via VHF channel 16 or 617-223-5757 (Sector Boston Command Center).

(c) *Penalties.* Those who violate this section are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 1226.

(d) *Notification.* Coast Guard Sector Boston will give notice through the Local Notice to Mariners and Broadcast Notice to Mariners for the purpose of enforcement of this temporary safety zone. Sector Boston will also notify the public to the greatest extent possible of any period in which the Coast Guard will suspend enforcement of this safety zone.

(e) *COTP representative.* The COTP's representative may be any Coast Guard commissioned, or petty officer or any federal, state, or local law enforcement officer who has been designated by the COTP to act on the COTP's behalf. The COTP's representative may be on a Coast Guard vessel, a Coast Guard Auxiliary vessel, a state or local law enforcement vessel, or a location on shore.

Dated: June 9, 2017.

C.C. Gelzer,

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

[FR Doc. 2017-12493 Filed 6-15-17; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2017-0387]

Safety Zones; Annual Events in the Captain of the Port Buffalo Zone—July Fireworks

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce certain safety zones located in federal regulations for recurring marine events. This action is necessary and intended for the safety of life and property on navigable waters during this event. During each enforcement period, no person or vessel may enter the respective safety zone without the permission of the Captain of the Port Buffalo.

DATES: The regulations in 33 CFR 165.939(a)(16) will be enforced on July 2, 2017, from 9:45 p.m. to 11:15 p.m.; The regulations in 33 CFR 165.939(a)(14) will be enforced on July 3, 2017 from 9:45 p.m. to 11:00 p.m.; The regulations in 33 CFR 165.939(a)(18) will be enforced on July 4, 2017 from 9:25 p.m. to 10:15 p.m.; The regulations in 33 CFR 165.939(a)(19) will be enforced on July 23, 2017 from 9:00 p.m. to 10:30 p.m.; The regulations in 33 CFR 165.939(a)(3) will be enforced on July 8, 2017 and July 9, 2017 from 9:30 p.m. to 10:45 p.m.; The regulations in 33 CFR 165.939(a)(1) will be enforced on July 4, 2017 from 8:45 p.m. to 10:45 p.m.; The regulations in 33 CFR 165.939(a)(13) will be enforced on July 3, 2017 from 8:45 p.m. to 9:45 p.m.; The regulations in 33 CFR 165.939(a)(17) will be enforced on July 3, 2017 from 9:30 p.m. to 11:00 p.m.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email LT Michael Collet, Chief of Waterways Management, Coast Guard Sector Buffalo, telephone 716-843-9322, email D09-SMB-SECBuffalo-WWM@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Safety Zones;

Annual Events in the Captain of the Port Buffalo Zone listed in 33 CFR 165.939 for the following events:

(1) *A Salute to our Heroes, Lake Ontario, Hamlin, NY;* The safety zone listed in 33 CFR 165.939(a)(16) will be enforced from 9:45 p.m. to 11:15 p.m. on July 2, 2017.

(2) *Village Fireworks, Sodus Point, NY;* The safety zone listed in 33 CFR 165.939(a)(14) will be enforced from 9:45 p.m. to 11:00 p.m. on July 3, 2017.

(3) *North Tonawanda Fireworks, North Tonawanda, NY;* The safety zone listed in 33 CFR 165.939(a)(18) will be enforced from 9:25 p.m. to 10:15 p.m. on July 4, 2017.

(4) *Tonawanda's Canal Fest Fireworks, Tonawanda, NY;* The safety zone listed in 33 CFR 165.939(a)(19) will be enforced from 9:00 p.m. to 10:30 p.m. on July 23, 2017.

(5) *French Festival Fireworks, Cape Vincent, NY;* The safety zone listed in 33 CFR 165.939(a)(3) will be enforced from 9:30 p.m. to 10:45 p.m. on both July 8, 2017 and July 9, 2017.

(6) *Boldt Castle 4th of July Fireworks, Heart Island, NY;* The safety zone listed in 33 CFR 165.939(a)(1) will be enforced from 8:45 p.m. to 10:45 p.m. on July 4, 2017.

(7) *Tom Graves Memorial Fireworks, Port Bay, NY;* The safety zone listed in 33 CFR 165.939(a)(13) will be enforced from 9:45 p.m. to 10:45 p.m. on July 3, 2017 within a 420-foot radius of position 43°17'54" N. and 076°49'51" W.

(8) *Olcott Fireworks, Olcott, NY;* The safety zone listed in 33 CFR 165.939(a)(17) will be enforced from 9:30 p.m. to 11:00 p.m. on July 3, 2017.

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

This notice of enforcement is issued under authority of 33 CFR 165.939 and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Buffalo determines that the

safety zone need not be enforced for the full duration stated in this notice he or she may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone.

Dated: June 12, 2017.

J.S. Dufresne,

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

[FR Doc. 2017-12547 Filed 6-15-17; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF EDUCATION

34 CFR Parts 668, 674, 682, and 685

RIN 1840-AD19

[Docket ID ED-2015-OPE-0103]

Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and Teacher Education Assistance for College and Higher Education Grant Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Final rule; notification of partial delay of effective dates.

SUMMARY: On November 1, 2016, the Department of Education published final regulations entitled Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan (FFEL) Program, William D. Ford Federal Direct Loan Program, and Teacher Education Assistance for College and Higher Education Grant Program (the final regulations) in the **Federal Register**. On May 24, 2017, the California Association of Private Postsecondary Schools (CAPPS) filed a Complaint and Prayer for Declaratory and Injunctive Relief in the United States District Court for the District of Columbia (Court). In light of the existence and potential consequences of the pending litigation, the Department has concluded that justice requires it to postpone certain provisions of the final regulations pursuant to the Administrative Procedure Act (APA), pending judicial review. The provisions to be postponed are listed in detail in the **SUPPLEMENTARY INFORMATION** section of this document.

DATES: As of June 16, 2017, the effective date for the amendments to or additions of: §§ 668.14; 668.41; 668.71; 668.90; 668.93; 668.171; 668.175 (c) and (d) and (f) and (h); Appendix C to Subpart L of Part 668; 674.33; 682.202; 682.211; 682.402(d)(3), (d)(6)(ii)(B)(1) and (2),

(d)(6)(ii)(F) introductory text, (d)(6)(ii)(F)(5), (d)(6)(ii)(G), (d)(6)(ii)(H) through (K), (d)(7)(ii) and (iii), (d)(8), and (e)(6)(iii); 682.405(b)(4)(ii); 682.410; 685.200; 685.205; 685.206; 685.212(k); 685.214; 685.215; 685.222; Appendix A to Subpart B of Part 685; and 685.308, published November 1, 2016, at 81 FR 75926, is delayed until further notice.

FOR FURTHER INFORMATION CONTACT: Barbara Hoblitzell, U.S. Department of Education, 400 Maryland Ave. SW., Room 6W252, Washington, DC 20202. Telephone: (202) 453-7583 or by email at: Barbara.Hoblitzell@ed.gov.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: On November 1, 2016, the Department published the final regulations in the **Federal Register** (81 FR 75296), and the final regulations are scheduled to take effect on July 1, 2017. The final regulations made several changes to the Department's student financial assistance regulations. Those changes include a new Federal standard and process for determining whether a borrower has a defense to repayment on a loan based on an act or omission of a school. The final regulations also prohibit schools from using certain contractual provisions regarding dispute resolution processes in their agreements with students, including predispute arbitration provisions and class action waivers. The final regulations further impose new financial responsibility standards and require proprietary schools to make certain disclosures regarding the student loan repayment rates of their graduates.

On May 24, 2017, CAPPS filed its complaint with the Court challenging the final regulations (*California Association of Private Postsecondary Schools v. DeVos*, No. 1:17-cv-00999 (D.D.C. May 24, 2017)), in particular those provisions of the regulations pertaining to the standard and process for the Department to adjudicate borrower defense claims, requirements pertaining to financial responsibility standards, provisions requiring proprietary institutions to provide warnings about their students' loan repayment rates, and prohibitions against institutions including arbitration or class action waivers in their agreements with students. CAPPS has also filed a motion for preliminary injunction asking the Court to restrain the Department from implementing or enforcing the arbitration and class action waiver prohibitions.

Under section 705 of the APA, “[w]hen an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review.” 5 U.S.C. 705. In light of the pending litigation, and for the following reasons, the Department has concluded that justice requires it to postpone the effectiveness of certain provisions of the final regulations until the judicial challenges to the final regulations are resolved.

First, the postponement will preserve the regulatory status quo while the litigation is pending and the Court decides whether to uphold the final regulations. The plaintiffs have raised serious questions concerning the validity of certain provisions of the final regulations and have identified substantial injuries that could result if the final regulations go into effect before those questions are resolved. Given the legal uncertainty, maintaining the status quo is critical. For instance, if the final regulations are not postponed, institutions participating in the programs under title IV of the Higher Education Act of 1965, as amended (HEA), would be required, as of July 1, 2017, to modify their contracts in accordance with the arbitration and class action waiver regulations, which may be contrary to their interests. Postponing the final regulations will avoid the cost that institutions would incur in making these changes while the regulation is subject to judicial review. Additionally, if the final regulations are not postponed, institutions would be subject to financial responsibility trigger provisions that could impose substantial costs. Meanwhile, the postponement of the final regulations will not prevent student borrowers from obtaining relief because the Department will continue to process borrower defense claims under existing regulations that will remain in effect during the postponement.

Second, the United States will suffer no significant harm from postponing the effectiveness of the final regulations while the litigation is pending. As the Department stated in the Net Budget Impacts section of the Regulatory Impact Analysis of the final regulations, the provisions with the greatest impact on the net budget impact of the final regulations are those related to the discharge of borrowers' loans, especially the changes to borrower defense and closed school discharges. The final regulations were estimated to have a net budget impact in costs over the 2016-2026 loan cohorts of \$16.6 billion in the primary estimate scenario, including a cost of \$381 million for cohorts 2014-2016 attributable to the regulations providing for a three-year automatic

closed school discharge. Postponing the effectiveness of the final regulations will help to avoid these significant costs to the Federal government and ultimately the Federal taxpayer.

Separately, the Department is announcing its plan to review and revise the regulations through the negotiated rulemaking process required under section 492 of the HEA. The postponement will allow the Department to consider and conduct a rulemaking process to review and revise the final regulations and ensures regulated parties will not incur costs that could be eliminated under any future regulations the Department promulgates on these matters.

Based upon the foregoing, the Department has determined that it is necessary to postpone the effectiveness of the revisions to or additions of the following provisions of the final regulations:

- § 668.14(b)(30), (31), and (32) Program participation agreement.
- § 668.41(h) and (i) Reporting and disclosure of information.
- § 668.71(c) Scope and special definitions.
- § 668.90(a)(3) Initial and final decisions.
- § 668.93(h), (i), and (j) Limitation.
- § 668.171 General.
- § 668.175(c), (d), (f), and (h) Alternative standards and requirements.
- Part 668 subpart L, Appendix C.
- § 674.33(g)(3) and (g)(8) Repayment.
- § 682.202(b)(1) Permissible charges by lenders to borrowers.
- § 682.211(i)(7) Forbearance.
- § 682.402(d)(3), (d)(6)(ii)(B)(1) and (2), (d)(6)(ii)(F) introductory text, (d)(6)(ii)(F)(5), (d)(6)(ii)(G), (d)(6)(ii)(H) through (K), (d)(7)(ii) and (iii), (d)(8), and (e)(6)(iii) Death, disability, closed school, false certification, unpaid refunds, and bankruptcy payments.
- § 682.405(b)(4)(ii) Loan rehabilitation agreement.
- § 682.410(b)(4) and (b)(6)(viii) Fiscal, administrative, and enforcement requirements.
- § 685.200(f)(3)(v) and (f)(4)(iii) Borrower eligibility.
- § 685.205(b)(6) Forbearance.
- § 685.206(c) Borrower responsibilities and defenses.
- § 685.212(k) Discharge of a loan obligation.
- § 685.214(c)(2), (f)(4) through (7) Closed school discharge.
- § 685.215(a)(1), (c)(1) through (c)(8), and (d) Discharge for false certification of student eligibility or unauthorized payment.
- § 685.222 Borrower defenses.
- Part 685 subpart B, Appendix A Examples of borrower relief.

- § 685.300(b)(11), (b)(12), and (d) through (i) Agreements between an eligible school and the Secretary for participation in the Direct Loan Program.

- § 685.308(a) Remedial actions.

We do not intend to postpone the effectiveness of the regulatory provisions published in 81 FR 75926 which: (1) Expand the types of documentation that may be used for the granting of a discharge based on the death of the borrower; (2) amend the regulations governing the consolidation of Nursing Student Loans and Nurse Faculty Loans so that they align with the statutory requirements of section 428C(a)(4)(E) of the HEA; (3) address severability; and (4) make technical corrections. As established in 81 FR 75926, §§ 682.211(i)(7) and 682.410(b)(6)(viii) remain designated for early implementation, at the discretion of each lender or guaranty agency.

In sum, in light of the existence and potential consequences of the pending litigation, and given the potentially significant harm that could result if the status quo is altered by the implementation of the final regulations on July 1, 2017, the Department has determined that the public interest and justice require postponing the effectiveness of the sections of the final regulations specified herein until the matters raised in the litigation are resolved.

In order to accomplish a postponement of certain sections of the final regulations under section 705 of the APA, the Department is delaying the effective date of the sections specified in the **DATES** and **SUPPLEMENTARY INFORMATION** sections of this document pursuant to the **Federal Register** Act and its implementing regulations.

Accessible Format: Individuals with disabilities may obtain this document in an accessible format (e.g., Braille, large print, audiotope, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to this Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: www.gpo.gov/fdsys. At this site, you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or PDF. To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal**

Register by using the article search feature at: www.FederalRegister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

List of Subjects

34 CFR Part 668

Administrative practice and procedure; Colleges and universities; Consumer protection; Grant programs—education; Loan programs—education; Reporting and recordkeeping requirements; Selective Service System; Student aid; Vocational education.

34 CFR Part 674

Loan programs—education; Reporting and recordkeeping; Student aid.

34 CFR Parts 682 and 685

Administrative practice and procedure; Colleges and universities; Loan programs—education; Reporting and recordkeeping requirements; Student aid; Vocational education.

Dated: June 13, 2017.

Betsy DeVos,

Secretary of Education.

[FR Doc. 2017–12562 Filed 6–14–17; 11:15 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2016–0653; FRL–9963–43–Region 9]

Approval of Nevada Air Plan Revisions, Clark County Department of Air Quality and Washoe County Health District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the Clark County Department of Air Quality (CCDAQ) and Washoe County Health District (WCHD) portions of the Nevada State Implementation Plan (SIP). These revisions concern emissions of particulate matter (PM) from fugitive dust and wood burning. We are approving local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: These rules are effective on July 17, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2016–0683. All

documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are

available through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, EPA Region IX, (415) 947-4125, vineyard.christine@epa.gov.

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

Table of Contents

- I. Proposed Action
- II. Public Comments and EPA Responses
- III. EPA Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

I. Proposed Action

On March 10, 2017 (82 FR 13278), the EPA proposed to approve the following rules into the Nevada SIP.

Local agency	Rule No.	Rule title	Adopted/ amended/ revised	Submitted
WCHD	010.000	Definitions	05/26/16	08/15/16
WCHD	040.051	Wood-Burning Devices	05/26/16	08/15/16
CCDAQ	26	Emission of Visible Air Contaminants	05/05/16	06/29/15

CCDAQ Rule 26 was revised to reference EPA Test Method 9 to determine compliance. WCHD Rules 010.000 and 040.051 were revised to add requirements from another WCHD rule and from national wood heater requirements. We proposed to approve these revised rules because we determined that they complied with the relevant CAA requirements. Our proposed action contains more information on the rules and our evaluation.

II. Public Comments and EPA Responses

The EPA’s proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA Action

No comments were submitted. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving these rules into the Nevada SIP.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the WCHD and CCDAQ rules described in the amendments to 40 CFR part 52 set forth below. Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA’s approval, and will be incorporated by reference by the Director of the Federal Register in the

next update to the SIP compilation.¹ 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).

V. 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 submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General

¹ 62 FR 27968 (May 22, 1997).

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 15, 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.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: May 23, 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 DD—Nevada

■ 2. In § 52.1470(c), Table 3 is amended by revising the entry for "Section 26:" and Table 7 is amended by revising the entries for "010.000" and "040.051" to read as follows:

§ 52.1470 Identification of plan.

* * * * *

(c) * * *

TABLE 3—EPA-APPROVED CLARK COUNTY REGULATIONS

County citation	Title/subject	County effective date	EPA approval date	Additional explanation
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Section 26	Emission of Visible Air Contaminants	05/05/2016	[INSERT Federal Register CITATION], 06/16/2017.	Submitted on June 29, 2015.
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *

TABLE 7—EPA-APPROVED WASHOE COUNTY REGULATIONS

District citation	Title/subject	District effective date	EPA approval date	Additional explanation
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
010.000	Definitions	05/26/2016	[INSERT Federal Register CITATION], 06/16/2017.	Submitted on August 15, 2016.
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
040.051	Wood-Burning Devices	05/26/2016	[INSERT Federal Register CITATION], 06/16/2017.	Submitted on August 15, 2016.
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *

Proposed Rules

Federal Register

Vol. 82, No. 115

Friday, June 16, 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

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. FSIS–2016–0002]

RIN 0583–AD64

Eligibility of the People's Republic of China (PRC) To Export to the United States Poultry Products From Birds Slaughtered in the PRC

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to amend the poultry products inspection regulations to list the PRC as eligible to export to the United States poultry products from birds slaughtered in the PRC. The PRC is currently eligible to export processed poultry products to the United States if the products are derived from poultry slaughtered in the United States or in other countries eligible to slaughter and export poultry to the United States. FSIS is proposing this action because the Agency has reviewed the PRC's laws, regulations, and poultry slaughter inspection system as implemented and has determined that the PRC's poultry slaughter inspection system is equivalent to the system that the United States has established under the Poultry Products Inspection Act (PPIA) and its implementing regulations.

Should this rule become final, slaughtered poultry, or parts or other products thereof, processed in certified PRC establishments, would be eligible for export to the United States. Although the PRC may be listed in FSIS's regulations as eligible to export poultry products to the United States, the products must also comply with all other applicable requirements of the United States, including those of USDA's Animal and Plant Health Inspection Service (APHIS), before any products can enter the United States.

All such products would be subject to re-inspection at United States ports-of-entry by FSIS inspectors.

DATES: Comments must be received on or before August 15, 2017.

ADDRESSES: FSIS invites interested persons to submit comments on this proposed rule. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to <http://www.regulations.gov>. Follow the online instructions at that site for submitting comments.

- *Mail, including CD-ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Patriots Plaza 3, 1400 Independence Avenue SW., Mailstop 3782, Room 8–163A, Washington, DC 20250–3700.

- *Hand- or courier-delivered submittals:* Deliver to Patriots Plaza 3, 355 E Street SW., Room 8–163B, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2016–0002. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to <http://www.regulations.gov>.

Docket: For access to background documents or comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E Street SW., Room 8–164, Washington, DC 20250–3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dr. Daniel Engeljohn, Assistant Administrator, Office of Policy and Program Development; Telephone: (202) 205–0495.

SUPPLEMENTARY INFORMATION:

Background

The PRC is currently eligible to export processed poultry products to the United States if they are processed in certified establishments in the PRC from poultry slaughtered in federally inspected establishments in the United States or in other certified slaughter establishments in other countries eligible to export poultry to the United

States. FSIS is proposing to amend the poultry inspection regulations (9 CFR 381.196(b)) to list the PRC as also eligible to export to the United States poultry products from birds slaughtered in certified PRC establishments to the United States.

Statutory Basis for Proposed Action

Section 17 of the PPIA (21 U.S.C. 466) prohibits importation into the United States of slaughtered poultry, or parts or products thereof, of any kind unless they are healthful, wholesome, fit for human food, not adulterated, and contain no dye, chemical, preservative, or ingredient that renders them unhealthful, unwholesome, adulterated, or unfit for human food. Under the PPIA and the regulations that implement it, poultry products imported into the United States must be produced under standards for safety, wholesomeness, and labeling accuracy that are equivalent to those of the United States. Section 381.196 of Title 9 of the Code of Federal Regulations (CFR) sets out the procedures by which foreign countries may become eligible to export poultry and poultry products to the United States.

Section 381.196(a) requires a foreign country's poultry inspection system to include standards equivalent to those of the United States and to provide legal authority for the inspection system and its implementing regulations that is equivalent to that of the United States. Specifically, a country's legal authority and regulations must impose requirements equivalent to those of the United States with respect to: (1) Ante-mortem and post-mortem inspection by, or under the direct supervision of, a veterinarian; (2) official controls by the national government over establishment construction, facilities, and equipment; (3) direct and continuous official supervision of slaughtering of poultry and processing of poultry products by inspectors to ensure that product is not adulterated or misbranded; (4) complete separation of establishments certified to export from those not certified; (5) maintenance of a single standard of inspection and sanitation throughout certified establishments; (6) requirements for sanitation and for sanitary handling of product at establishments certified to export; (7) official controls over condemned product; (8) a Hazard Analysis and

Critical Control Point (HACCP) system; and (9) any other requirements found in the PPIA and its implementing regulations (9 CFR 381.196(a)(2)(ii)).

The country's inspection system must also impose requirements equivalent to those of the United States with respect to: (1) Organizational structure and staffing to ensure uniform enforcement of the requisite laws and regulations in all certified establishments; (2) national government control and supervision over the official activities of employees or licensees; (3) competent, qualified inspectors; (4) enforcement and certification authority; (5) administrative and technical support; (6) inspection, sanitation, quality, species verification, and residue standards; and (7) any other inspection requirements (9 CFR 381.196(a)(2)(i)).

The foreign country's inspection system must ensure that establishments preparing poultry or poultry products for export to the United States comply with requirements equivalent to those of the PPIA and the regulations promulgated by FSIS under the authority of that statute. The foreign country certifies the appropriate establishments as having met the required standards and advises FSIS of those establishments that are certified or removed from certification. Before FSIS will grant approval to the country to export poultry or poultry products to the United States, FSIS must first determine that reliance can be placed on the certification of establishments by the foreign country (9 CFR 381.196(a)(1)).

As indicated above, a foreign country's inspection system must be evaluated by FSIS before eligibility to export poultry products to the United States can be granted. This evaluation consists of two processes: A document review and an on-site review. The document review is an evaluation of the laws, regulations, and other written materials used by the country to effect its inspection program. FSIS requests that countries provide information about their inspection systems through its self-reporting tool (SRT). The SRT is a standardized questionnaire that FSIS provides to foreign governments to gather information that characterizes foreign inspection systems. Through the SRT, FSIS collects information on practices and procedures in six areas, known as equivalence components: (1) Government Oversight (*e.g.*, Organization and Administration), (2) Government Statutory Authority and Food Safety and Other Consumer Protection Regulations (*e.g.*, Inspection System Operation, Product Standards and Labeling, and Humane Handling), (3) Government Sanitation, (4)

Government HACCP Systems, (5) Government Chemical Residue Testing Programs, and (6) Government Microbiological Testing Programs.¹ FSIS evaluates the information submitted to verify that the critical points in the six equivalence components are addressed satisfactorily with respect to standards, activities, resources, and enforcement. If the document review is satisfactory, an onsite review is scheduled using a multidisciplinary team to evaluate all aspects of the country's inspection program. This comprehensive process is described more fully on the FSIS Web site at <http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/importing-products/equivalence/equivalence-process-overview>.

The PPIA and implementing regulations require that foreign countries be listed in the CFR as eligible to export poultry products to the United States. FSIS must engage in rulemaking to list a country as eligible. Countries found eligible to export poultry or poultry products to the United States are listed in the poultry inspection regulations at 9 CFR 381.196(b). Once listed, the government of an eligible country must certify to FSIS that establishments that wish to export poultry products to the United States are operating under requirements equivalent to those of the United States (9 CFR 381.196(a)(3)). Countries must renew certifications of establishments annually (9 CFR 381.196(a)(3)). To verify that products imported into the United States are not adulterated or misbranded, FSIS reinspects and randomly samples those products at ports-of-entry before they enter U.S. commerce.

Evaluation of the PRC's Poultry Inspection System

In May 2004, the government of the PRC requested approval to export poultry products to the United States. FSIS conducted a document review of the PRC's poultry (slaughter and processing) inspection system to determine whether that system was equivalent to the United States poultry inspection system. FSIS concluded, on the basis of that review, that the PRC's laws, regulations, control programs, and procedures were equivalent to those of the United States.

¹ FSIS has made slight changes to the titles of the six equivalence components in the SRT. FSIS added "Government" to the titles of all of the components to clarify that FSIS assesses food regulatory systems. FSIS also added examples of types of government oversight and types of statutory authority and food safety regulations that FSIS evaluates when determining equivalence so that those components are easier to understand.

Accordingly, FSIS proceeded with an on-site audit of the PRC's poultry inspection system from December 1 to December 17, 2004, to verify that the PRC's General Administration of Quality Supervision, Inspection, and Quarantine (AQSIQ), which is the PRC's central competent authority (CCA) in charge of food inspection, effectively implemented a poultry inspection system equivalent to that of the United States. During the 2004 on-site audit, FSIS identified problems with the PRC's sanitation controls, slaughter/processing controls, residue controls, and enforcement controls. For example, FSIS found that the sanitation programs at the establishments visited by the audit team lacked measures to prevent recurring deficiencies that could result in direct product contamination or adulteration, but AQSIQ inspectors did not identify the problems. FSIS also found that the CCA did not have adequate control and supervision over establishments, and official veterinarians did not adequately understand FSIS standards.

From July 27 to August 12, 2005, FSIS conducted a follow-up initial equivalence audit to determine whether the outstanding issues identified during the previous audit had been resolved. FSIS concluded that the PRC had satisfactorily addressed all of the 2004 audit findings for poultry processing. However, the 2005 audit had identified a new systemic deficiency within the risk area of enforcement controls for poultry slaughter. Specifically, FSIS found that ante-mortem and post-mortem inspection procedures and dispositions were performed by establishment-paid veterinarians. On the basis of the 2005 audit, FSIS determined that the PRC's system for processed poultry was equivalent to that of the United States system, but denied the PRC's eligibility to export slaughtered poultry.

In April 2006, FSIS published a final rule in the **Federal Register** that added the PRC to the list of countries eligible to export poultry products to the United States with the stipulation that the PRC could only export processed poultry products derived from birds slaughtered under Federal inspection in the United States or from another country eligible to export slaughtered poultry products (see 71 FR 20867; April 24, 2006). However, shortly after the publication of the final rule, Congress prohibited FSIS from using funds to establish or implement a rule allowing poultry products to be exported to the United States from the PRC (see Sec. 733 of Pub. L. 110-161). As a result, the PRC

was unable to export poultry products to the United States.

In October 2009, Congress lifted the ban on poultry product exports from the PRC on the condition that FSIS conduct on-site reviews of slaughter and processing facilities, laboratories, and other control operations and conduct annual audits and reviews after the PRC is deemed equivalent (see Sec. 743 of Pub. L. 111–80).

In June 2010, a team of FSIS experts traveled to the PRC to collect information related to legislation applicable to their poultry inspection system. FSIS conducted a comprehensive analysis of the PRC's Food Safety Law (FSL) promulgated in 2009 and other information submitted by the PRC to verify that the following equivalence components were addressed satisfactorily with respect to standards, activities, resources, and enforcement: (1) Government Oversight (e.g., Organization and Administration); (2) Government Statutory Authority and Food Safety and Other Consumer Protection Regulations (e.g., Inspection System Operation, Product Standards and Labeling, and Humane Handling); (3) Government Sanitation; (4) Government HACCP Systems; (5) Government Chemical Residue Testing Programs; and (6) Government Microbiological Testing Programs.

From December 1 to 21, 2010, FSIS conducted separate but concurrent on-site audits of the PRC's processed poultry inspection system and the PRC's poultry slaughter inspection system to verify whether the CCA was able to effectively implement a poultry inspection system equivalent to that of the United States. The auditors concluded that the CCA was able to meet the principal requirements for the equivalence components of Sanitation and Chemical Residue Programs. However, FSIS identified systemic inadequacies in both the PRC's processed poultry inspection system and the PRC's poultry slaughter inspection system within the equivalence components for: Government Oversight (e.g., Organization and Administration), Government Statutory Authority and Food Safety and Other Consumer Protection Regulations (e.g., Inspection System Operation, Product Standards and Labeling, and Humane Handling), Government HACCP Systems, and Government Microbiological Testing Programs. For example, FSIS found that the CCA lacked a standardized method to assign inspection personnel to slaughter facilities based on objective measurements such as production line rates, inspection workloads, or line

configuration. The CCA also utilized establishment-paid inspectors to conduct official inspection duties. The CCA responded by developing a comprehensive corrective action plan addressing the findings.

From March 4 to 19, 2013, FSIS conducted follow-up on-site audits to verify whether the CCA maintained effective oversight of the PRC's processed poultry inspection system and the PRC's poultry slaughter inspection system and to verify whether the PRC implemented the corrective actions proffered in response to the previous audit's findings. On the basis of the 2013 audit of the processed poultry inspection system, FSIS concluded that the PRC's processed poultry inspection system met all the equivalence components for FSIS equivalence criteria. Therefore, on August 30, 2013, FSIS announced in the Constituent Update (available at: http://www.fsis.usda.gov/wps/wcm/connect/9ad2eb47-a47f-4d16-9b81-0e57368f0c07/ConstUpdate083013.pdf?MOD=AJPERES&CONVERT_TO=url&CACHEID=9ad2eb47-a47f-4d16-9b81-0e57368f0c07) that the PRC could export processed poultry products to the United States. However, the CCA did not adequately address all previously identified concerns about its poultry slaughter inspection system. The CCA was able to meet the principal requirements of the equivalence components for Government Sanitation, Government HACCP Systems, Government Chemical Residue Testing Programs, and Government Microbiological Testing Programs, but FSIS found that the Government Oversight (e.g., Organization and Administration) and Government Statutory Authority and Food Safety and Other Consumer Protection Regulations (e.g., Inspection System Operation, Product Standards and Labeling, and Humane Handling) components were not equivalent. Specifically, the CCA still lacked a standardized method to assign inspection personnel to slaughter facilities on the basis of objective measurements. The CCA responded to these concerns, stating that it would implement changes to its poultry slaughter inspection system.

From May 8 to 28, 2015, FSIS conducted separate but concurrent on-site audits to verify whether the PRC's processed poultry inspection system remains equivalent to the United States' system, and to verify whether the CCA adopted the necessary corrective measures to its poultry slaughter inspection system. FSIS concluded, from the 2015 follow-up audits, that the

PRC's processed poultry inspection system remains equivalent to the United States' system. FSIS also concluded that the PRC had satisfactorily addressed all issues of concern that FSIS raised in its 2013 audit of the PRC poultry slaughter inspection system and had met the FSIS equivalence criteria for all six components.

On August 21, 2014, FSIS published a final rule to modernize poultry slaughter inspection (79 FR 49566). The rule implemented new U.S. regulatory requirements including (1) the New Poultry Inspection System (NPIS), an optional post-mortem inspection system, and (2) regulatory changes that apply to all poultry slaughter establishments. On August 11, 2016, the PRC sent a letter to FSIS outlining the changes that were made to the PRC's poultry inspection system to achieve equivalency with the revised U.S. regulations. The PRC stated in the letter that it had updated its inspection manuals to require that establishments develop, implement, and maintain written procedures in their HACCP plans, Sanitation SOPs, or other prerequisite programs to ensure that carcasses with visible fecal contamination do not enter the chiller. According to the letter, the manuals also require establishments to develop, implement, and maintain written procedures in their HACCP plans, Sanitation SOPs, or other prerequisite programs to prevent contamination of carcasses and parts by enteric pathogens and visible fecal material. The PRC stated in the letter that these written procedures must include sampling and analysis for microbial organisms to monitor process control for enteric pathogens. The PRC stated in the letter that it had adopted the U.S. requirements for NPIS, and that establishments must get approval from their local official regulatory agency before they may use the system. On September 1, 2016, the PRC sent copies of their updated inspection manuals to FSIS. FSIS has reviewed the submitted letter and updated inspection manuals and has determined that the PRC poultry slaughter inspection system is equivalent with the new U.S. regulatory requirements in the August 21, 2014 final rule.

In summary, FSIS has completed the document review, on-site audits, and has verified that the PRC made necessary corrective actions to its poultry slaughter inspection system in response to the FSIS audits. Therefore, FSIS has determined that, as implemented, the PRC's poultry slaughter inspection system is equivalent to the United States poultry

inspection system. The full audit reports on the PRC's poultry inspection system (slaughter and processing) can be found on the FSIS Web site at: <http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/importing-products/eligible-countries-products-foreign-establishments/foreign-audit-reports>.

Should this rule become final, the government of the PRC must certify to FSIS those establishments that wish to export slaughtered poultry products to the United States are operating in accordance with requirements equivalent to those of the United States. FSIS will verify whether the establishments certified by the PRC's government meet the United States requirements through annual scheduled audits of the PRC's poultry inspection system.

Although a foreign country may be listed in FSIS regulations as eligible to export poultry to the United States, the exporting country's products must also comply with all other applicable requirements of the United States. These requirements include restrictions under 9 CFR part 94 of APHIS's regulations, which also regulate the exportation of poultry products from foreign countries to the United States. For example, APHIS has classified the PRC as a region affected with Highly Pathogenic Avian Influenza subtype H5N1 and Exotic Newcastle Disease. Therefore, even if FSIS were to list the PRC as a country eligible to export slaughtered poultry, or parts or products thereof, at this time, the PRC would only be allowed to export cooked poultry products to the United States (see 9 CFR 94.6). Since the PRC's disease status may change during the equivalence process, FSIS will follow-up with APHIS and take into consideration how changes in the animal disease status may impact the country's eligibility to export certain types of poultry products to the United States.

If this proposed rule is adopted, all slaughtered poultry, or parts and products thereof, exported to the United States from the PRC will be subject to re-inspection at the U.S. ports-of-entry for, but not limited to, transportation damage, product and container defects, labeling, proper certification, general condition, and accurate count. In addition, FSIS will conduct other types of re-inspection activities, such as incubation of canned products to ensure product safety and taking product samples for laboratory analysis for the detection of drug and chemical residues, pathogens, species, and product composition. Products that pass re-inspection will be stamped with the

official United States mark of inspection and allowed to enter United States commerce. If they do not meet United States requirements, they will be refused entry and within 45 days must be exported to the country of origin, destroyed, or converted to animal food (subject to approval of the U.S. Food and Drug Administration (FDA)), depending on the violation. The import re-inspection activities can be found on the FSIS Web site at http://www.fsis.usda.gov/regulations_&_policies/ffsis_import_reinspection/index.asp.

Executive Orders 12866 and 13563, and the Regulatory Flexibility Act

Executive Orders 12866 and 13563 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 proposed rule has been designated as a "non-significant" regulatory action under section 3(f) of Executive Order (E.O.) 12866. Accordingly, the rule has not been reviewed by the Office of Management and Budget (OMB) under E.O. 12866 and is not subject to the provisions of E.O. 13771.

Expected Costs of the Proposed Rule

The costs of this rule would accrue primarily to domestic poultry producers in the form of greater competition from the PRC. In the short run, the cost is likely to be small as the expected volume of trade stimulated by this proposed rule is likely to be small (see Expected Benefits section below.)

The domestic producers would probably start to feel the pressure of competition should the PRC become eligible to export raw and other non-fully-cooked poultry products, and more establishments become certified to export to the United States. Some domestic producers may lose market share, and would have to make the necessary investment to be more efficient and stay competitive. As discussed before, the Agency cannot predict when this could happen. However, because the initial impact is likely to be small, as the expected PRC export volume is low, the Agency expects that the United States' industry would have time to prepare for the

potentially larger impact and adjust their business strategies.

Expected Benefits of the Proposed Rule

FSIS has not estimated the potential impact in the long run. However, the PRC is the second largest poultry producing country in the world, trailing closely behind the United States.² If the PRC were to export other poultry products (for example, if APHIS allows the PRC to export raw chicken products)³ to the United States and more PRC establishments become certified to be eligible, consumers will likely benefit from more choices and more competitive prices in the marketplace, and producers will likely become more efficient to be competitive.⁴ The Agency did not quantify the value of these benefits because of the lack of predictability associated with the many factors that heavily influence trade patterns and volume. These factors include results of Sanitary and Phytosanitary Standards issues (e.g. the avian influenza), exchange rates,⁵ and domestic political and economic conditions.

Adoption of this rule will increase trade between the United States and the PRC in poultry products. In the short run, the volume of trade stimulated by this proposed rule is likely to be small because the PRC only intends to certify five slaughter establishments to provide poultry to certified processing establishments to export fully-cooked poultry products to the United States. Data from the PRC showed that these five slaughter establishments will supply poultry to five processing establishments that the PRC will certify as eligible to ship product to the U.S.—three of them intend to export cooked chicken quarter-legs and chicken breasts, one to export cooked duck legs and duck breasts, and one to export roasted boneless duck to the United States. According to the data, the projected volume of export to the United States will be about 324 million pounds per year for the next five years.⁶

² See Food Outlook, Food and Agricultural Organization (FAO) of the United Nations, October 2015, p. 49, at <http://www.fao.org/3/a-i5003e.pdf>, accessed 1/11/2016.

³ As mentioned above, APHIS has classified PRC as region affected by certain animal diseases, so the PRC would only be allowed to export cooked poultry products to the United States.

⁴ It is well-established that international trade benefits trade partners because it allows countries to specialize in producing products at which they have a comparative advantage.

⁵ The exchange rate affects the relative prices of exports and imports. The PRC's currency—RMB—has been appreciating against other currencies and is expected to fluctuate in the near future.

⁶ Data is from the General Administration of Quality Supervision, Inspection and Quarantine of

Given that the United States domestic annual production volume of RTE fully-cooked poultry is about 12,325 million pounds,⁷ the projected cooked poultry products from the PRC would only be about 2.6 percent of total United States production in the next five years.⁸ The immediate impact on the United States consumers and domestic processors is likely to be minor, as the low volume of trade is likely to have little effect on supply, demand, and prices.

Expected Effects on Small Entities

The FSIS Administrator has made a preliminary determination that this proposed rule will not have a significant impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601). The expected trade volume will be small, with little or no effect on all U.S. establishments, regardless of size.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) No retroactive effect will be given to this rule; and (3) Administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

No new paperwork requirements are associated with this proposed rule. Foreign countries wanting to export poultry and poultry products to the United States are required to provide information to FSIS certifying that their inspection systems provide standards equivalent to those of the United States, and that the legal authority for the system and their implementing regulations are equivalent to those of the United States. FSIS provided the PRC with questionnaires asking for detailed information about the country's inspection practices and procedures to assist that country in organizing its materials. This information collection

the People's Republic of China, November 2015. The projected annual production of the mentioned chicken and duck products at these five processing establishments will be about 838 million pounds per year, which could be sold in the PRC or to other foreign countries.

⁷ Calculated from PHIS data in November 2015. This number cannot be divided by species. If we adjusted it by the proportions of chicken and ducks in total domestic slaughtered poultry, which is 88.3 percent, the volume would be about 10,833 million pounds per year.

⁸ If we use 10,833 million pounds (see previous footnote) as the denominator, the projected PRC export would be about 3 percent of United States domestic production of fully-cooked chicken and duck.

was approved under OMB control number 0583-0094. The proposed rule contains no other paperwork requirements.

E-Government Act

FSIS and USDA are committed to achieving the purposes of the E-Government Act (44 U.S.C. 3601, *et seq.*) by, among other things, promoting the use of the Internet and other information technologies and providing increased opportunities for citizen access to Government information and services, and for other purposes.

Additional Public Notification

FSIS will officially notify the World Trade Organization's Committee on Sanitary and Phytosanitary Measures (WTO/SPS Committee) in Geneva, Switzerland, of this proposal and will announce it on-line through the FSIS Web page located at: http://www.fsis.usda.gov/regulations_&_policies/Proposed_Rules/index.asp. FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: <http://www.fsis.usda.gov/subscribe>. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, shall exclude from participation in, deny the benefits of, or subject to discrimination, any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf, or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250-9410.

Fax: (202) 690-7442.

Email: program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

List of Subjects in 9 CFR Part 381

Imported products.

For the reasons set out in the preamble, FSIS is proposing to amend 9 CFR part 381 as follows:

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

■ 1. The authority citation for Part 381 continues to read as follows:

Authority: 7 U.S.C. 138f, 450; 21 U.S.C. 451-470; 7 CFR 2.7, 2.18, 2.53.

§ 381.196 [Amended]

■ 2. Amend § 381.196(b) by removing footnote 2 after "People's Republic of China."

Done at Washington, DC, on June 12, 2017.

Alfred V. Almanza,
Administrator.

[FR Doc. 2017-12554 Filed 6-15-17; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2017-0490; Directorate Identifier 2017-NE-13-AD]

RIN 2120-AA64

Airworthiness Directives; Ipeco Holdings Ltd. Pilot and Co-Pilot Seats

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain

Ipeco Holdings Ltd. (Ipeco) pilot and co-pilot seats. This proposed AD was prompted by reports of unexpected movement of pilot and co-pilot seats on takeoff and landing. This proposed AD would require modification and reidentification of the affected seats. We are proposing this AD to correct the unsafe condition on these products.

DATES: We must receive comments on this NPRM by July 31, 2017.

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

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- **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:** Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- **Fax:** 202-493-2251.

For service information identified in this proposed AD, contact Ipeco Holdings Ltd., Aviation Way, Southend on Sea, SS2 6UN, United Kingdom; phone: 44 1702 549371; fax: 44 1702 540782; email: sales@Ipeco.com. You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781-238-7125.

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-2017-0490; 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 proposed AD, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800-647-5527) is in the **ADDRESSES** section. Comments

will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Neil Doh, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7757; fax: 781-238-7199; email: neil.doh@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-2017-0490; Directorate Identifier 2017-NE-13-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 with FAA personnel concerning this proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2016-0256, dated December 16, 2016 (referred to hereinafter as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

Occurrences have been reported of pilot/co-pilot unexpected rearward movement during take-off and landing. Investigations determined that horizontal guide block wear, presence of burrs on horizontal centre track, and horizontal track lock system weakness (spring tension too low) were various causes which contributed to the seat not being correctly locked.

This condition, if not corrected, could lead to further cases of unwanted flight crew seat

movement, possibly resulting in reduced control of the aeroplane.

You may obtain further information by examining the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0490.

Related Service Information Under 1 CFR Part 51

Ipeco has issued Service Bulletin (SB) 063-25-08, Revision 00; SB 063-25-09, Revision 00; and SB 063-25-10, Revision 00; all dated May 31, 2016. These SBs provides instructions, differentiated by the part numbers of the affected pilot and co-pilot seats, for the modification and reidentification of these seats. 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 the United Kingdom, and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing 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 products of the same type design. This proposed AD would require modification and reidentification of the affected pilot and co-pilot seats.

Costs of Compliance

We estimate that this proposed AD affects an unknown number of pilot and co-pilot seats installed on 55 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
Modify crew seats	2 work-hours × \$85 per hour = \$170	\$125	\$295	\$16,225

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 to the extent that it justifies making a regulatory distinction, and

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

List of Subjects in 14 CFR Part 39

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

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):

Ipeco Holdings Ltd.: Docket No. FAA-2017-0490; Directorate Identifier 2017-NE-13-AD.

(a) Comments Due Date

We must receive comments by July 31, 2017.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to Ipeco Holdings Ltd. (Ipeco) pilot and co-pilot crew seats with a part number (P/N) listed in the Planning Information section of Ipeco Service Bulletins (SBs) 063-25-08, Revision 00, dated May 31, 2016; 063-25-09, Revision 00, dated May 31, 2016; and 063-25-10, Revision 00, dated May 31, 2016.

(2) These seats are installed on, but not limited to, ATR-GIE Avions de Transport Regional ATR 42 and ATR 72 airplanes.

(d) Subject

Joint Aircraft System Component (JASC) Code 2510, Flight Compartment Equipment.

(e) Reason

This AD was prompted by reports of unexpected movement of pilot and co-pilot seats on takeoff and landing. We are issuing this AD to prevent unexpected movement of pilot and co-pilot seats on takeoff and landing. The unsafe condition, if not corrected, could result in reduced control of the airplane.

(f) Compliance

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

(2) Within 2 years after the effective date of this AD, modify and reidentify each affected pilot and co-pilot seat. Use the Accomplishment Instructions of Ipeco SB 063-25-08, Revision 00, dated May 31, 2016; Ipeco SB 063-25-09, Revision 00, dated May 31, 2016; or Ipeco SB 063-25-10, Revision 00, dated May 31, 2016; as appropriate, to do the modification and reidentification.

(g) Installation Prohibition

Do not install any pilot or co-pilot seat identified in paragraph (c) of this AD unless the seat is modified and reidentified as specified in paragraph (f)(2) of this AD.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, Boston Aircraft Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(i) Related Information

(1) For more information about this AD, contact Neil Doh, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7757; fax: 781-238-7199; email: neil.doh@faa.gov.

(2) Refer to MCAI European Aviation Safety Agency AD 2016-0256, dated December 16, 2016, for more information. You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating it in Docket No. FAA-2017-0490.

(3) Ipeco SB 063-25-08, Revision 00, dated May 31, 2016; Ipeco SB 063-25-09, Revision 00, dated May 31, 2016; and Ipeco SB 063-25-10, Revision 00, dated May 31, 2016, can be obtained from Ipeco, using the contact information in paragraph (i)(4) of this proposed AD.

(4) For service information identified in this proposed AD, contact Ipeco Holdings Ltd., Aviation Way, Southend on Sea, SS26UN, United Kingdom; phone: 44 1702 549371; fax: 44 1702 540782; email: sales@Ipeco.com.

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

Issued in Burlington, Massachusetts, on June 9, 2017.

Robert J. Ganley,

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

[FR Doc. 2017-12305 Filed 6-15-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2017-0555; Directorate Identifier 2016-NM-183-AD]

RIN 2120-AA64

Airworthiness Directives; Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2013-02-12, which applies to all EADS CASA (now Airbus Defense and Space S.A.) Model CN-235, CN-235-100, CN-235-200, and CN-235-300 airplanes. AD 2013-02-12 currently requires a one-time inspection to identify the correct polarity for each pair of electrical connectors on each engine fire extinguisher cartridge, and repair if necessary. Since we issued AD 2013-02-12, we have determined it is necessary to add a requirement for modifying the installation of the fire extinguisher circuit harness. This proposed AD would continue to require identifying the correct polarity of each pair of electrical connectors of the affected engine fire extinguisher cartridge, and doing a repair if necessary. This proposed AD would also require modifying the installation of the fire extinguisher circuit harnesses. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 31, 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 Defense and Space Services/Engineering Support, Avenida de Aragón 404, 28022 Madrid, Spain; telephone +34 91 585 55 84; fax +34 91 585 31 27; email MTA.TechnicalService@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-2017-0555; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone 425-227-1112; fax 425-227-1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2017-0555; Directorate Identifier 2016-NM-183-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 January 23, 2013, we issued AD 2013-02-12, Amendment 39-17333 (78 FR 7262, February 1, 2013) (“AD 2013-02-12”), for all EADS CASA (now Airbus Defense and Space S.A.) Model CN-235, CN-235-100, CN-235-200, and CN-235-300 airplanes. AD 2013-02-12 was prompted by reports of incorrect electrical polarity connections on engine fire extinguishing discharge cartridges. AD 2013-02-12 requires a one-time inspection to identify the correct polarity for each pair of electrical connectors on each engine fire extinguisher cartridge, and repair if necessary. We issued AD 2013-02-12 to detect and correct incorrect polarity connections, which could prevent the actuation of the discharge cartridge in case of automatic fire detection or manual initiation during a potential engine fire, and could result in damage to the airplane and injury to passengers.

Since we issued AD 2013-02-12, a new modification for the installation of the fire extinguisher circuit harness has been developed by the manufacturer. Embodiment of this modification introduces a design solution that avoids maintenance errors during connecting and reconnecting of the affected fire extinguisher circuit harness after accomplishment of maintenance tasks or functional tests.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2016-0201, dated October 11, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for all Airbus Defense and Space S.A. Model CN-235, CN-235-100, CN-235-200, and CN-235-300 airplanes. The MCAI states:

Reports have been received of finding wrong electrical polarity connections of engine fire extinguishing discharge cartridges on CASA CN-235 aeroplanes. The results of the subsequent investigation showed that the incorrect discharge cartridge assembly was caused by production line errors.

This condition, if not detected and corrected, could prevent the actuation of the discharge cartridge in case of automatic fire

detection or manual initiation in case of engine fire, possibly resulting in damage to the aeroplane and injury to occupants.

To address this potentially unsafe condition, EADS CASA (Airbus Military) developed instructions to identify erroneous wiring polarity installation and EASA issued AD 2012-0045 [which correlates to FAA AD 2013-02-12, Amendment 39-17333 (78 FR 7262, February 1, 2013)] to require a one-time inspection to verify proper electrical polarity of wiring of each engine fire extinguisher discharge cartridge and, depending on findings, corrective action.

Since [EASA] AD 2012-0045 was issued, Airbus Defence and Space (D&S) developed modification of the installation of the fire extinguisher circuit harnesses, available for in-service installation through Service Bulletin (SB) SB-235-26-0005, which represents technical solution for an unsafe condition addressed by [EASA] AD 2012-0045 for those aeroplanes. Embodiment of this modification introduces a design solution that avoids maintenance errors during (re)connecting of the affected fire extinguisher circuit harnesses after accomplishment of maintenance tasks or functional tests.

For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2012-0045, which is superseded and requires identification of the correct polarity after each maintenance action involving (re)connecting of the engine fire extinguisher cartridge electrical connector. This [EASA] AD also requires modification of the affected fire extinguisher circuit harnesses.

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-2017-0555.

Related Service Information Under 1 CFR Part 51

Airbus Defense and Space S.A. has issued EADS CASA Service Bulletin SB-235-26-0005, dated July 9, 2014. The service information describes procedures for modifying the installation of the fire extinguisher circuit harnesses.

Airbus Defense and Space S.A. has also issued Airbus Military All Operator Letter (AOL) 235-020, Revision 1, dated November 12, 2013. The service information describes procedures for identifying the correct polarity of each pair of electrical connectors of the affected engine fire extinguisher cartridge, and repairing the erroneous wiring polarity if necessary.

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 12 airplanes of U.S. registry.

The actions required by AD 2013–02–12, and retained in this proposed AD take about 4 work-hours per product, at an average labor rate of \$85 per work-hour. Required parts cost about \$0 per product. Based on these figures, the estimated cost of the actions that are required by AD 2013–02–12 is \$340 per product.

We also estimate that it would take about 11 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. Required parts would cost about \$3,280 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be about \$50,580 or \$4,215 per product.

In addition, we estimate that any necessary follow-on actions would take about 1 work-hour and require parts costing \$0, for a cost of \$85 per product. We have no way of determining the number of aircraft that might need this action.

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) 2013–02–12, Amendment 39–17333 (78 FR 7262, February 1, 2013), and adding the following new AD:

Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.): Docket No. FAA–2017–0555; Directorate Identifier 2016–NM–183–AD.

(a) Comments Due Date

We must receive comments by July 31, 2017.

(b) Affected ADs

This AD replaces AD 2013–02–12, Amendment 39–17333 (78 FR 7262, February 1, 2013) ("AD 2013–02–12").

(c) Applicability

This AD applies to all Airbus Defense and Space S.A. (formerly known as Construcciones Aeronauticas, S.A.) Model CN–235, CN–235–100, CN–235–200, and CN–235–300 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 26, Fire protection.

(e) Reason

This AD was prompted by reports of incorrect electrical polarity connections on engine fire extinguishing discharge cartridges. We are issuing this AD to detect and correct incorrect polarity connections, which could prevent the actuation of the discharge cartridge in case of automatic fire detection or manual initiation during a potential engine fire, and could result in damage to the airplane and injury to passengers.

(f) Compliance

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

(g) Retained Inspection, With Revised Service Information

This paragraph restates the requirements of paragraph (g) of AD 2013–02–12, with revised service information. Within 30 days after March 8, 2013 (the effective date of AD 2013–02–12), do a one-time inspection to identify the correct polarity for each pair of electrical connectors on each engine fire extinguisher cartridge, in accordance with the Instructions of Airbus Military All Operator Letter 235–020, dated March 9, 2012; or Airbus Military All Operator Letter 235–020, Revision 1, dated November 12, 2013.

(h) New Requirement of This AD: Repetitive Inspections

As of 30 days after the effective date of this AD: Before further flight after accomplishing each maintenance task involving disconnection or reconnection of an electrical connector of an engine fire extinguisher cartridge, determine the polarity of each pair of electrical connectors of the affected engine fire extinguisher cartridge, in accordance with the Instructions of Airbus Military All Operator Letter (AOL) 235–020, Revision 1, dated November 12, 2013.

(i) New Requirement of This AD: Corrective Action

If, during any inspection required by paragraph (g) or (h) of this AD, erroneous wiring polarity installation is detected, before further flight, repair the erroneous polarity 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 EADS CASA's EASA Design Organization Approval (DOA).

(j) New Requirement of This AD: Modification

Within 24 months after the effective date of this AD: Modify the installation of the fire extinguisher circuit harnesses, in accordance with the Accomplishment Instructions of EADS CASA Service Bulletin SB–235–26–0005, dated July 9, 2014.

(k) Terminating Action

The modification required in paragraph (j) of this AD terminates the actions required in paragraphs (g) and (h) of this AD.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to the attention of the person identified in paragraph (m)(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*: As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA; or the EASA; or EADS CASA's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016-0201, dated October 11, 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-2017-0555.

(2) For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone 425-227-1112; fax 425-227-1149.

(3) For service information identified in this AD, contact Airbus Defense and Space Services/Engineering Support, Avenida de Aragón 404, 28022 Madrid, Spain; telephone +34 91 585 55 84; fax +34 91 585 31 27; email MTA.TechnicalService@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 6, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017-12252 Filed 6-15-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2017-0452; Directorate Identifier 2017-NE-14-AD]

RIN 2120-AA64

Airworthiness Directives; General Electric Company Turboshift Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain General Electric Company (GE) CT7-8A and CT7-9B model turboshift engines. This proposed AD was prompted by reports from the manufacturer that the high-pressure compressor (HPC) impeller installed on these engines may have suffered from material degradation during the manufacturing process. This proposed AD would require removal of the affected HPC impellers. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 31, 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 General Electric Company, GE-Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215; phone: 513-552-3272; fax: 513-552-3329; email: gae.aoc@ge.com. You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781-238-7125.

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-

0452; 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 NPRM, 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:

Martin Adler, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7157; fax: 781-238-7199; email: martin.adler@faa.gov.

SUPPLEMENTARY INFORMATION:**Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2017-0452; Directorate Identifier 2017-NE-14-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM 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 NPRM.

Discussion

We learned from the manufacturer that the affected HPC impellers installed on CT7-8A and CT7-9B turboshift engines may have suffered from material degradation during the manufacturing process. This condition, if not corrected, could result in failure of the HPC impeller, uncontained HPC impeller release, damage to the engine, and damage to the airplane/helicopter.

Related Service Information

We reviewed GE Service Bulletin (SB) CT7-TP S/B 72-0524, dated June 16, 2016. The SB describes procedures for replacing the affected HPC impellers.

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 removal of the affected HPC impellers.

Costs of Compliance

We estimate that this proposed AD affects 1 engine installed on a helicopter 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
Replace HPC impeller	0 work-hours × \$85 per hour = \$0	\$70,000	\$70,000	\$70,000

Authority for This Rulemaking

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

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

Regulatory Findings

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 to the extent that it justifies making a regulatory distinction, and
- (4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

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):

General Electric Company: Docket No. FAA-2017-0452; Directorate Identifier 2017-NE-14-AD.

(a) Comments Due Date

We must receive comments by July 31, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to General Electric Company (GE) CT7-8A and CT7-9B model turboshaft engines with a high-pressure compressor (HPC) impeller, part number 5123T51P02, and serial number, GLHTPH9G, GLHTPP7P, or GLHTPJHN, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by reports from the manufacturer that the HPC impeller installed on these engines may have suffered from material degradation during the manufacturing process. We are issuing this AD to prevent failure of the HPC impeller. This unsafe condition, if not corrected, could result in failure of the HPC impeller, uncontained HPC impeller release, damage to the engine, and damage to the airplane/helicopter.

(f) Compliance

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

(1) For CT7-9B engines, remove the affected HPC impeller from service at the next engine shop visit after the effective date of this AD, or prior to accumulating 12,000 cycles since new, whichever is earlier.

(2) For CT7-8A engines, remove the affected HPC impeller from service at the next engine shop visit after the effective date of this AD, or prior to accumulating 1,500 engine hours after the effective date of this AD, whichever is earlier.

(g) Definition

For the purpose of this AD, an “engine shop visit” is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine flanges.

(h) Alternative Methods of Compliance (AMOCs)

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

(i) Related Information

(1) For more information about this AD, contact Martin Adler, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7157; fax: 781-238-7199; email: martin.adler@faa.gov.

(2) GE Service Bulletin CT7-TP S/B 72-0524, dated June 16, 2016, can be obtained from GE using the contact information in paragraph (i)(3) of this proposed AD.

(3) For service information identified in this proposed AD, contact General Electric Company, GE-Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215; phone: 513-552-3272; fax: 513-552-3329; email: geae.aoc@ge.com.

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

Issued in Burlington, Massachusetts, on June 8, 2017.

Robert J. Ganley,

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

[FR Doc. 2017-12242 Filed 6-15-17; 8:45 am]

BILLING CODE 4910-13-P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Chapter II

[Docket No. CPSC–2017–0029]

Request for Information on Potentially Reducing Regulatory Burdens Without Harming Consumers

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Request for information.

SUMMARY: The Consumer Product Safety Commission (CPSC, or Commission) seeks suggestions for ways the Commission could potentially reduce burdens and costs of its existing rules, regulations, or practices without harming consumers.

DATES: Written comments must be submitted by September 30, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2017–0029 by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: <http://www.regulations.gov>. Follow the instructions for submitting comments. The Commission does not accept comments submitted by electronic mail (email) except through <http://www.regulations.gov>. The Commission encourages you to submit electronic comments by using the Federal eRulemaking Portal as described above.

Written Submissions: Submit written submissions by mail/hand delivery/courier to: Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change to <http://www.regulations.gov>, including any personal information provided. Do not submit confidential business information, trade secret information, or other sensitive or protected information (such as a Social Security Number) electronically; if furnished at all, such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> and insert the docket number Docket No. CPSC–2017–0029 into the “Search” box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: DeWane Ray, Deputy Executive

Director, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; 301–504–7547; email: jray@cpsc.gov.

SUPPLEMENTARY INFORMATION: CPSC is an independent regulatory agency charged with protecting the public from unreasonable risks of injury or death associated with the use of the thousands of types of consumer products under the agency’s jurisdiction. Deaths, injuries, and property damage from consumer product incidents cost the nation more than \$1 trillion annually. CPSC uses a variety of approaches to achieve its mission. Among the agency’s tools is issuing regulations concerning the safety of consumer products. The Commission is seeking suggestions from the public about ways to lessen burdens and reduce costs of its existing rules, regulations, or practices without increasing the risk of deaths or injuries to consumers. When submitting suggestions with respect to existing rules, regulations or practices, the Commission requests information and data in support of the suggestion, and answers to the questions, as appropriate, listed in Section V.b of the Commission’s Plan for Retrospective Review of Existing Rules, available at: <https://www.cpsc.gov/Global/Regulations-Laws-and-Standards/Rulemaking/FINALrulereviewplanAPRIL2016.pdf>.

To submit your ideas, please follow the instructions in the **ADDRESSES** section of this document.

Dated: June 12, 2017.

Todd A. Stevenson,
Secretary, Consumer Product Safety Commission.

[FR Doc. 2017–12434 Filed 6–15–17; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2017–0334]

RIN 1625–AA08

Special Local Regulation; Commencement Bay, Tacoma, WA

AGENCY: Coast Guard, DHS.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to amend its proposing regarding a temporary special local regulation for certain waters of Commencement Bay

for the 2017 World Water Ski Racing Championships. This special local regulation would prohibit non-participant persons and vessels from entering, transiting through, anchoring in, or remaining within the race area and prohibits vessels from transiting at speeds that cause wake within the spectator area unless authorized by the Captain of the Port Puget Sound or a Designated Representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before July 3, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0334 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Petty Officer Zachary Spence, Sector Puget Sound Waterways Management Branch, U.S. Coast Guard; telephone 206–217–6051, email SectorPugetSoundWWM@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, Purpose, and Legal Basis

On December 8, 2016, Overload Productions notified the Coast Guard that it intends on conducting a high speed water ski race on Commencement Bay. Approximately 40 motor boats and water skiers will be participating in the races and operating at high speeds with limited maneuverability, which poses a significant hazard to race participants and other boaters. In addition the event sponsors anticipate a potential small number of on-water spectators to be present during the races.

The Coast Guard published a Notice of Proposed Rulemaking on May 19, 2017 (82 FR 22934), proposing a special local regulation. We are issuing this supplemental proposal to amend the special local regulation to include August 5, 2017 as a race day, increasing the size of the race area, and extending

the comment period to account for these changes.

The purpose of this rulemaking is to ensure the safety of vessels and participants in the race as well as spectators and the maritime public. The rulemaking would accomplish this purpose by establishing two regulated areas before, during, and after the scheduled event, one for race participants, and one for spectators and the maritime public. Many factors amplify the potential hazards of the race, including limited maneuverability of the race participants, commercial vessel traffic, and the number of local recreational and fishing vessels. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1233.

III. Discussion of Proposed Rule

This proposed rule would create a temporary special local regulation on certain waters of Commencement Bay in Tacoma, WA for the 2017 World Water Ski Racing Championships. This special local regulation would establish two separate regulated areas, a race area and a spectator area. Within the race area, all persons and vessels, except those persons and vessels participating in the high-speed water ski races, are prohibited from entering, transiting through, anchoring in, or remaining within. Within the spectator area, all vessels are prohibited from anchoring and are required to transit at the minimum speed necessary to maintain course, minimizing vessels wake, unless authorized by the Captain of the Port Puget Sound or a Designated Representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

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

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

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the Special Local Regulation. Vessel traffic would be able to safely transit around race area or through the spectator area which would only impact a small designated area of Commencement Bay for less than nine hours during the days of event. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the regulated areas.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see

ADDRESSES) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or

more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a special local regulation lasting for nine hours on each day the event occurs and would prohibit entry into the race area and restrict movement within the spectator area. Normally such actions are categorically excluded from further review under section 2.B.2, and figure 2-1, paragraph 34(h) of the Instruction. Paragraph 34(h) pertains to special local regulations issued in conjunction with a regatta or marine parade. This rule is categorically excluded from further review under paragraph 34(h) 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 the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Add § 100.T13-0334 to read as follows:

§ 100.T13-0334 Special Local Regulation; Commencement Bay, Tacoma, WA

(a) *Location.* The special local regulations found in paragraph (c) apply in the following areas.

(1) *Race Area.* All waters of Commencement Bay encompassed within an imaginary line connecting the following coordinates: Starting at point 1 in position 47°18'9.6" N., 122°30'23.6" W.; thence northeast to Point 2 in position 47°18'15.2" N., 122°30'14.4" W.; thence east to Point 3 in position 47°18'32" N., 122°28'41.3" W.; thence south to Point 4 in position 47°17'32" N., 122°28'22.4" W.; thence southwest to Point 5 in position 47°17'5.5" N., 122°29'6.4" W.; thence northwest back to origin.

(2) *Spectator Area.* All waters of Commencement Bay encompassed

within an imaginary line connecting the following points: Starting at Point 1 in position 47°17'32" N., 122°28'22.4" W.; thence southeast to Point 2 in position 47°17'29.4" N., 122°28'17.2" W.; thence southwest to Point 3 in position 47°17'3" N., 122°29'01" W.; thence northwest to Point 4 in position 47°17'5.5" N., 122°29'6.4" W.; thence northeast back to origin.

(b) *Definitions.* For the purpose of this section the following definitions apply:

Designated representative means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Puget Sound (COTP) in the enforcement of the regulated areas identified in paragraph (a)(1) and (a)(2) of this section.

Patrol Vessel means any Coast Guard vessel, Coast Guard Auxiliary vessel, or other federal, state or local law enforcement vessel.

(c) *Special Local Regulations.*

(1) All persons and vessels, except those persons and vessels participating in the high-speed water ski races, are prohibited from entering, transiting through, anchoring in, or remaining within the race area.

(2) All persons and vessels entering, exiting, or moving within the spectator area must operate at speeds, which will create a minimum wake, and will not exceed seven knots. The maximum speed may be reduced at the discretion of the Patrol Commander.

(3) A succession of sharp, short signals by whistle or horn from a Patrol Vessel will serve as a signal to stop. Vessels signaled must stop and comply with the orders of the Patrol Vessel. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(4) Persons and vessels desiring to enter, transit through, anchor in, remain within or transit in excess of wake speed within any of the regulated areas must contact the Captain of the Port Puget Sound by telephone at (206) 217-6002, or a designated representative via VHF-FM radio on channel 16 to request authorization. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Puget Sound or a designated representative.

(c) *Notice of Enforcement.* The Coast Guard will provide notice of the enforcement of this Special Local Regulation by all appropriate means to ensure the widest dissemination among the public, as practicable; such means of notification may include but are not

limited to, Broadcast Notice to Mariners, Local Notice to Mariners, and by on-scene designated representatives.

(d) *Enforcement Period.* This rule is effective from 9 a.m. to 6 p.m. on July 29, 31, and August 2 and 5, 2017, unless cancelled sooner by the Captain of the Port Puget Sound.

Dated: June 12, 2017.

D.G. Throop,

*Commander, RDML, U.S. Coast Guard,
Thirteenth Coast Guard District.*

[FR Doc. 2017-12500 Filed 6-15-17; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket No. USCG-2016-0916]

RIN 1625-AA01

Anchorage; Captain of the Port Puget Sound Zone, WA; Supplemental Notice of Tribal Consultation

AGENCY: Coast Guard, DHS.

ACTION: Notice of location of tribal consultation.

SUMMARY: On June 1, 2017, the Coast Guard published a notification of tribal consultation regarding government to government consultation on a notice of proposed rulemaking entitled “Anchorage; Captain of the Port Puget Sound Zone, WA.” As stated in that notification, the address of the tribal consultation was to be determined. The tribal consultation will take place in Suquamish, WA. As before, the Coast Guard encourages all interested tribes to R.S.V.P. to the formal consultation to be held on July 13, 2017, and provide information on which treaty rights are impacted and how the Coast Guard should consider these rights in its rulemaking analysis.

DATES: A formal government to government consultation is scheduled to be held on July 13, 2017, from 9 a.m. to 3 p.m. to provide an opportunity for oral comments. R.S.V.P.s to the consultation must be submitted by June 30, 2017, to the person listed below at **FOR FURTHER INFORMATION CONTACT.** Written comments and related material may also be submitted to Coast Guard personnel specified at that meeting. The comment period for the proposed rule closes on August 9, 2017. All comments and related material submitted after the meeting must be received by the Coast Guard on or before August 9, 2017.

ADDRESSES: The consultation will take place at the Suquamish Tribe’s House of Awakened Culture, 7235 NE Parkway, Suquamish, WA 98392.

You may submit written comments identified by docket number USCG-2016-0916 using the Federal eRulemaking Portal at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: If you have questions concerning the meeting or the proposed rule, please call or email Mr. Laird Hail, U.S. Coast Guard Sector Puget Sound; telephone 206-217-6051, email SectorPugetSoundWWM@uscg.mil.

SUPPLEMENTARY INFORMATION:

Background and Purpose

On June 1, 2017, we published a notification of tribal consultation (82 FR 25207) related to the notice of proposed rulemaking (NPRM) titled “Anchorage; Captain of the Port Puget Sound Zone, WA,” that we published February 10, 2017 (82 FR 10313). In May 2017 (82 FR 22448, May 16, 2017), we reopened the comment period on the NPRM, which is now set to close on August 9, 2017.

In the June 1, 2017 notification, we identified the scheduled date and time of the tribal consultation as July 13, 2017, from 9 a.m. to 3 p.m., but we did not provide the address. We are publishing this document to provide you with the location of the tribal consultation.

You may view the NPRM in our online docket, in addition to supporting documents prepared by the Coast Guard—for example, environmental checklist, and comments submitted thus far by going to <http://www.regulations.gov>. Once there, insert “USCG-2016-0916” in the “Keyword” box and click “Search.”

We encourage all interested tribes to participate in this formal consultation by responding orally at the consultation or in writing. If you bring written comments to the formal consultation, you may submit them to Coast Guard personnel specified at the meeting to receive written comments. These comments will be submitted to our online public docket. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, visit <http://www.regulations.gov/privacyNotice>. We will also provide a written summary of the government to government tribal consultation and comments and will place that summary in the docket.

Comments submitted after the meeting must reach the Coast Guard on

or before August 9, 2017. We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Information on Service for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the tribal consultation, contact at Mr. Laird Hail at the telephone number or email address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Tribal Government to Government Consultation

The Coast Guard will hold a formal tribal government to government consultation regarding its proposed rule on Thursday, July 13, 2017, from 9 a.m. to 3 p.m. at the Suquamish Tribe’s House of Awakened Culture, 7235 NE Parkway, Suquamish, WA 98392. We request that tribes intending to participate in this consultation submit the following information to the person in the **FOR FURTHER INFORMATION CONTACT** section of this document by June 30, 2017: (1) Whether the tribe will attend the face-to-face tribal consultation, (2) the name and contact information of anyone other than the Chief Executive of the tribe that is authorized to engage in government to government consultation with the Coast Guard for this tribal consultation, and (3) any proposed agenda items and written materials it intends to present. We will also provide a written summary of the government to government tribal consultation and comments and will place that summary in the docket. Members of the public will have time to submit further comments between the posting of the summary of the tribal consultation and the closing of the comment period on August 9, 2017.

Dated: June 12, 2017.

D.G. Throop,

*Rear Admiral, U.S. Coast Guard, Commander,
Thirteenth Coast Guard District.*

[FR Doc. 2017-12494 Filed 6-15-17; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF EDUCATION**34 CFR Chapter VI**

[Docket ID ED-2017-OPE-0076]

**Negotiated Rulemaking Committee;
Public Hearings****AGENCY:** Office of Postsecondary Education, Department of Education.**ACTION:** Intent to establish negotiated rulemaking committees.

SUMMARY: We announce our intention to establish two negotiated rulemaking committees to prepare proposed regulations for the Federal Student Aid programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA). The committees will include representatives of organizations or groups with interests that are significantly affected by the subject matter of the proposed regulations. We also announce two public hearings at which interested parties may comment on the topics suggested by the Department and may suggest additional topics that should be considered for action by the negotiating committees. In addition, we announce that the Department will accept written comments on the topics suggested by the Department and suggestions for additional topics that should be considered for action by the negotiating committees.

DATES: The dates, times, and locations of the public hearings are listed under the **SUPPLEMENTARY INFORMATION** section of this document. We must receive written comments on the topics suggested by the Department and additional topics that should be considered for action by the negotiating committees on or before July 12, 2017.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments by fax or by email. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to www.regulations.gov to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under "How to use Regulations.gov" in the Help section.

- *Postal Mail, Commercial Delivery, or Hand Delivery.* If you mail or deliver your comments, address them to Wendy Macias, U.S. Department of Education,

400 Maryland Ave. SW., Room 6C111, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public (including those comments submitted by postal mail, commercial delivery, or hand delivery) available for public viewing in their entirety on the Federal eRulemaking Portal at www.regulations.gov. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: For information about the public hearings, go to www2.ed.gov/policy/highered/reg/hearulemaking/2017/index.html or contact: Wendy Macias, U.S. Department of Education, 400 Maryland Ave. SW., Room 6C111, Washington, DC 20202. Telephone: (202) 203-9155 or by email: Wendy.Macias@ed.gov.

For information about negotiated rulemaking in general, see *The Negotiated Rulemaking Process for Title IV Regulations, Frequently Asked Questions* at www2.ed.gov/policy/highered/reg/hearulemaking/hea08/neg-reg-faq.html or contact: Wendy Macias, U.S. Department of Education, 400 Maryland Ave. SW., Room 6C111, Washington, DC 20202. Telephone: (202) 203-9155 or by email: Wendy.Macias@ed.gov.

If you use a telecommunications device for the deaf (TDD) or text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: Section 492 of the HEA requires that, before publishing any proposed regulations to implement programs authorized under title IV of the HEA, the Secretary obtain public involvement in the development of the proposed regulations. After obtaining advice and recommendations from the public, the Secretary conducts negotiated rulemaking to develop the proposed regulations. We announce our intent to develop proposed title IV regulations by following the negotiated rulemaking procedures in section 492 of the HEA.

We intend to select participants for the negotiated rulemaking committees from nominees of the organizations and groups that represent the interests significantly affected by the proposed regulations. To the extent possible, we will select from the nominees individual negotiators who reflect the diversity among program participants, in accordance with section 492(b)(1) of the HEA.

Regulatory Issues

We intend to convene a committee to develop proposed regulations to revise the gainful employment regulations published by the Department on October 31, 2014 (79 FR 64889). We intend to convene a second committee to develop proposed regulations to revise the regulations on borrower defenses to repayment of Federal student loans and other matters, published November 1, 2016 (81 FR 75926), and the authority of guaranty agencies in the Federal Family Education Loan Program to charge collection costs under 34 CFR 682.410(b)(6) to a defaulted borrower who enters into a repayment agreement with the guaranty agency.

After a complete review of the public comments presented at the public hearings and in the written submissions, we will publish a document (or documents) in the **Federal Register** announcing the specific topics for which we intend to establish the negotiated rulemaking committees and a request for nominations for individual negotiators for the committees who represent the communities of interest that would be significantly affected by the proposed regulations. This document will also be posted on the Department's Web site at: www2.ed.gov/policy/highered/reg/hearulemaking/2017/index.html.

Public Hearings

We will hold two public hearings for interested parties to discuss the rulemaking agenda. The public hearings will be held:

- July 10, 2017, at the U.S. Department of Education, 400 Maryland Ave. SW., Barnard Auditorium, Washington, DC 20202.
- July 12, 2017, at Southern Methodist University, Underwood Law Library-Walsh Classroom, 6550 Hillcrest Ave., Dallas, TX 75275.

The public hearings will be held from 9 a.m. to 4 p.m., local time. Further information on the public hearing sites is available at www2.ed.gov/policy/highered/reg/hearulemaking/2017/index.html.

Individuals who would like to present comments at the public hearings must register by sending an email to negreghearing@ed.gov. The email should include the name of the presenter along with the public hearing at which the individual would like to speak, the general topic(s) the individual would like to address, and a general timeframe during which the individual would like to speak (for example, a presenter could indicate

morning or afternoon, or before 11 a.m. or after 3 p.m.). We will attempt to accommodate each speaker's preference, but, if we are unable to do so, we will make the determination on a first-come first-served basis, based on the time and date the email was received. It is likely that each participant will be limited to five minutes. The Department will notify registrants of the location and time slot reserved for them. An individual may make only one presentation at the public hearings. If we receive more registrations than we are able to accommodate, the Department reserves the right to reject the registration of an entity or individual that is affiliated with an entity or individual that is already scheduled to present comments, and to select among registrants to ensure that a broad range of entities and individuals is allowed to present. We will accept walk-in registrations for any remaining time slots on a first-come first-served basis, beginning at 8:30 a.m. on the day of the public hearing at the Department's on-site registration table. Registration is not required to observe the public hearings; however, space may be limited.

The Department will post transcripts of the hearings to www2.ed.gov/policy/highered/reg/hearulemaking/2017/index.html. Although the Department will not be videoing the hearings, as this is a public meeting, speakers should be aware that they may be filmed or recorded by members of the public.

Speakers may submit written comments at the public hearings. In addition, the Department will accept written comments via the Federal eRulemaking portal, and by postal mail, commercial delivery, or hand delivery, through July 12, 2017. (See the **ADDRESSES** section of this document for submission information.)

Schedule for Negotiations

We anticipate that any committees established after the public hearings will begin negotiations in November or December of 2017, with the committees meeting for up to three sessions of three to four days each at roughly five- to eight-week intervals. The committees will meet in the Washington, DC area. The dates and locations of these meetings will be published in a subsequent notice in the **Federal Register**, and will be posted on the Department's Web site at: www2.ed.gov/policy/highered/reg/hearulemaking/2017/index.html.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., Braille, large print, audiotape, or compact disc) by

contacting Wendy Macias, U.S. Department of Education, 400 Maryland Ave. SW., Room 6C111, Washington, DC 20202. Telephone: (202) 203-9155 or by email: Wendy.Macias@ed.gov.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: www.gpo.gov/fdsys. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site. You may also access documents of the Department published in the **Federal Register** by using the article search feature at: www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 1098a.

Dated: June 13, 2017.

Kathleen A. Smith,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 2017-12555 Filed 6-14-17; 11:15 am]

BILLING CODE 4000-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA-HQ-OAR-2017-0346; FRL-9963-82-OAR]

RIN 2060-AT65

Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Three Month Stay of Certain Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to stay for three months certain requirements that are contained within the Final Rule titled "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources," published in the **Federal Register** on June 3, 2016 (2016 Rule). On June 5, 2017, the EPA published a notice that, in accordance with the Clean Air Act (CAA), the EPA stayed for three initial months the fugitive emissions requirements, well site pneumatic pump

standards, and requirements for certification of closed vent systems by a professional engineer. The EPA granted reconsideration after considering specific objections to these requirements. In a separate notice published today, the EPA is proposing a stay for two years, providing the EPA sufficient time to propose, take public comment, and issue a final action on the issues concerning the specific requirements on which EPA has granted reconsideration. The two-year proposed stay published today, if finalized as proposed, would likely be determined to be a major rule under the Congressional Review Act and therefore will not take effect until sixty days after publication or after Congress receives the rule report, whichever is later. Therefore, while the EPA intends to complete that rulemaking and take final action before the initial three-month stay expires, there may potentially be a gap between the two stays due to the sixty-day delay in effectiveness of that action. To avoid such a potential gap, and the resulting confusion, in this action the EPA is proposing a three-month stay which would not qualify as a major rule and could become effective upon publication. The EPA prepared an Economic Impact Analysis for this proposal, which is available in Docket ID EPA-HQ-OAR-2017-0346. The EPA is seeking comment pertaining to this stay and its duration. The EPA is also seeking comment on if a four-month stay may be more appropriate to ensure continuity of the stay. The EPA is not taking comment at this time on substantive issues concerning these requirements, or on any of the other provisions subject to the reconsideration.

DATES: Comments must be received on or before July 17, 2017. If a hearing is requested on this proposed rule, written comments must be received on or before August 9, 2017.

Public Hearing. A public hearing will be held, if requested by June 21, 2017, to accept oral comments on this proposed action. If a hearing is requested, it will be held at the EPA's Washington, DC campus located at 1201 Constitution Avenue NW., Washington, DC. The hearing, if requested, will begin at 9 a.m. (local time) and will conclude at 4 p.m. (local time) on July 10, 2017. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please contact Aimee St. Clair at (919) 541-1063 or by email at stclair.aimee@epa.gov.

Any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted

online at <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/actions-and-notice-about-oil-and-natural-gas#regactions>. In addition, you may contact Aimee St. Clair at (919) 541-1063 or email at stclair.aimee@epa.gov with public hearing inquiries. The EPA does not intend to publish a notice in the **Federal Register** announcing any such updates. Please go to <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/actions-and-notice-about-oil-and-natural-gas#regactions> for more information on the public hearing.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2017-0346, to the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Tsigotis, Sector Policies and Programs Division (D205-01), Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (888) 627-7764; email address: airaction@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On June 3, 2016, the EPA published a final rule titled “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources; Final Rule,” at 81 FR 35824 (“2016 Rule”). The 2016 Rule establishes new source performance standards (NSPS) for greenhouse gas emissions and volatile organic compound (VOC)

emissions from the oil and natural gas sector. This rule addresses, among other things, fugitive emissions at well sites and compressor stations (“fugitive emissions requirements”) and emissions from pneumatic pumps. In addition, for a number of affected facilities (*i.e.*, centrifugal compressors, reciprocating compressors, pneumatic pumps, and storage vessels), the rule requires certification by a professional engineer of the closed vent system design and capacity, as well as any technical infeasibility determination relative to controlling pneumatic pumps at well sites. For further information on the 2016 Rule, see 81 FR 35824 (June 3, 2016) and associated Docket ID No. EPA-HQ-OAR-2010-0505.

On August 2, 2016, a number of interested parties submitted administrative petitions to the EPA seeking reconsideration of various aspects of the 2016 Rule pursuant to section 307(d)(7)(B) of the CAA (42 U.S.C. 7607(d)(7)(B)).¹ Those petitions include numerous objections relative to the fugitive emissions requirements, well site pneumatic pump standards, and the requirements for certification by professional engineer.

In accordance with section 307(d)(7)(B) of the CAA, the Administrator shall convene a reconsideration proceeding if, in the Administrator’s judgment, the petitioner raises an objection to a rule that was impracticable to raise during the comment period or if the grounds for the objection arose after the comment period but within the period for judicial review, and the objection is of central relevance to the outcome of the rule. The Administrator may stay the effectiveness of the rule for up to three months during such reconsideration.

In a letter dated April 18, 2017, based on the criteria in CAA section 307(d)(7)(B), the Administrator convened a proceeding for reconsideration of the following objections relative to the fugitive emissions requirements: (1) The process and criteria for requesting and receiving approval for the use of an alternative means of emission limitations (AMEL) for purposes of compliance with the fugitive emissions requirements in the 2016 Rule; and (2) the applicability of the fugitive emissions requirements to low production well sites.²

After issuing the April 18, 2017, letter, in a notice published June 5,

2017, the EPA identified objections to two other aspects of the 2016 Rule that meet the criteria for reconsideration under section 307(d)(7)(B) of the CAA. These objections relate to (1) the requirements for certification of closed vent system by professional engineer (“PE certification requirement”); and (2) the well site pneumatic pump standards. As part of the administrative reconsideration proceeding, the EPA will prepare a notice of proposed rulemaking that will provide the petitioners and the public an opportunity to comment on the fugitive emissions requirements, well site pneumatic pump standards, and the requirements for certification by professional engineer, and the issues associated with these requirements.

In the notice published June 5, 2017, the EPA stayed the fugitive emissions requirements, the well site pneumatic pumps requirements, and the requirements for certification of closed vent system by professional engineer for three months pursuant to section 307(d)(7)(B) of the CAA. That initial stay is effective from June 2, 2017, to August 31, 2017. When we have issued similar stays in the past, it has often been our practice to also propose a longer stay through a rulemaking process. See, *e.g.*, 74 FR 36427 (July 23, 2009).

In a separate action published today, the EPA is proposing to stay these requirements for two years. This proposed two-year stay will provide the EPA with sufficient time to propose, take public comment, and issue a final action on the issues concerning the specific requirements on which EPA has granted reconsideration. During the two year proposed stay, the EPA also plans to complete its reconsideration process for all remaining issues raised in these reconsideration petitions regarding fugitive emissions, pneumatic pumps, and certification by professional engineer requirements. For the reasons stated below, in this document the EPA is issuing a proposal to stay these requirements for three months. This stay would take effect upon the date of publication of the final rule in the **Federal Register**.

II. The Proposed Action

The two-year proposed stay published today, if finalized as proposed, would likely be determined to be a major rule under the Congressional Review Act and therefore under section 801 of that Act may not take effect until sixty days after publication or after Congress receives the rule report, whichever is later.

¹ Copies of these petitions are included in the docket for the 2016 Rule, Docket ID No. EPA-HQ-OAR-2010-0505.

² See Docket ID No. EPA-HQ-OAR-2010-0505-7730.

Therefore, while the EPA intends take final action on that rulemaking before the initial three-month stay of these requirements expires, there could potentially be a gap in the stay due to the sixty-day delay in the effectiveness of that action. Such a gap would create unnecessary burden and confusion as to what regulatory requirements are in effect and what regulated entities must do during the reconsideration proceeding. Therefore, to avoid such a potential gap, in this document the EPA is proposing a three-month stay, which is not a major rule under the CRA and could become effective upon publication. The EPA intends to publish the final rule on or before the expiration of the initial three-month stay.

Note that we are not taking comment at this time on substantive issues concerning these requirements, or on any of the other provisions subject to the reconsideration. This notice simply proposes to stay the specified requirements for three months. The EPA is seeking comment pertaining to this stay and its duration. Given the importance of not introducing a gap in the stay, the EPA is also requesting comment on whether a four-month stay may be appropriate. A separate **Federal Register** notice published in the near future will specifically solicit comment on substantive issues concerning these requirements.

III. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be 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 a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review because it raises novel legal or policy issues. Any changes made in response to OMB recommendations have been documented in the docket.

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing 40 CFR part 60, subpart OOOO and has assigned OMB control number 2060-0673. The information collection requirements in the final 40 CFR 60, subpart OOOOa have been submitted for approval to the OMB under the PRA. The Information Collection Request (ICR) document

prepared by EPA has been assigned EPA ICR 2523.01. This action does not result in changes to the approved ICR for subpart OOOO or the submitted ICR for subpart OOOOa, so the information collection estimates of project cost and hour burdens have not been revised.

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. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. This action proposes a limited stay for certain requirements. This proposed stay will not increase the burden on small entities subject to this rule. The EPA prepared a final RFA analysis for the 2016 Rule, which is available as part of the Regulatory Impact Analysis in the docket at Docket ID No. EPA-HQ-OAR-2010-0505-7630. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531-1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

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: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, 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, as specified in Executive Order 13175.

Thus, Executive Order 13175 does not apply to this action.

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

This action is subject to Executive Order 13045 because it is a significant regulatory action as defined by Executive Order 12866, and the EPA believes that the environmental health or safety risk addressed by this action may have a disproportionate effect on children. Because this action merely proposes to delay action and does not change the requirements of the final rule, this action will not change any impacts of the rule when it is fully implemented. Any impacts on children's health caused by the delay in the rule will be limited, because the length of the proposed stay is limited. The agency therefore believes it is more appropriate to consider the impact on children's health in the context of any substantive changes proposed as part of reconsideration.

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

This action is not a "significant energy action" because it is not likely to have a significant adverse effect on the supply, distribution or use of energy. The basis for this determination can be found in the 2016 Rule (81 FR 35894).

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

Because this action merely proposes to delay action and does not change the requirements of the final rule, this action will not change any impacts of the rule when it is fully implemented. Any impacts on minority populations and low-income populations caused by the delay in the rule will be limited, because the length of the proposed stay is limited. The agency therefore believes it is more appropriate to consider the impact on minority populations and low-income populations in the context of any substantive changes proposed as part of reconsideration.

List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping.

Dated: June 12, 2017.

E. Scott Pruitt,
Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is proposed to be amended as follows:

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

■ 1. The authority citation for part 60 continues to read as follows:

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

Subpart OOOOa—[AMENDED]

■ 2. Section 60.5393a is amended by:

■ a. Staying paragraphs (b) and (c) from [DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**] until [DATE 90 DAYS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**]; and

b. Adding paragraph (f).

The addition reads as follows:

§ 60.5393a What GHG and VOC standards apply to pneumatic pump affected facilities?

* * * * *

(f) Pneumatic pumps at a well site are not subject to the requirements of paragraphs (d) and (e) of this section from [DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**] until [DATE 90 DAYS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**].

§ 60.5397a [AMENDED]

3. Section 60.5397a is stayed from [DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**] until [DATE 90 DAYS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**].

4. Section 60.5410a is amended by:

a. Staying paragraphs (e)(2) through (5) from [DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**] until [DATE 90 DAYS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**];

b. Adding paragraph (e)(8); and

c. Staying paragraph (j) from [DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**] until [DATE 90 DAYS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**].

The addition reads as follows:

§ 60.5410a How do I demonstrate initial compliance with the standards for my well, centrifugal compressor, reciprocating compressor, pneumatic controller, pneumatic pump, storage vessel, collection of fugitive emissions components at a well site, collection of fugitive emissions components at a compressor station, and equipment leaks and sweetening unit affected facilities at onshore natural gas processing plants?

* * * * *

(e) * * *

(8) Pneumatic pump affected facilities at a well are not subject to the requirements of paragraphs (e)(6) and (7) of this section from [DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**] until [DATE 90 DAYS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**].

* * * * *

■ 5. Section 60.5411a is amended by:

■ a. Revising the introductory text;
■ b. Staying paragraph (d) from [DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**] until [DATE 90 DAYS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**]; and
■ c. Adding paragraph (e).

The revision and addition read as follows:

§ 60.5411a What additional requirements must I meet to determine initial compliance for my covers and closed vent systems routing emissions from centrifugal compressor wet seal fluid degassing systems, reciprocating compressors, pneumatic pumps and storage vessels?

You must meet the applicable requirements of this section for each cover and closed vent system used to comply with the emission standards for your centrifugal compressor wet seal degassing systems, reciprocating compressors, pneumatic pumps and storage vessels except as provided in paragraph (e) of this section.

* * * * *

(e) Pneumatic pump affected facilities at a well site are not subject to the requirements of paragraph (a) of this section from [DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**] until [DATE 90 DAYS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**].

6. Section 60.5415a is amended by:

a. Revising paragraph (b) introductory text and adding paragraph (b)(4); and

b. Staying paragraph (h) from [DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**] until [DATE 90 DAYS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**].

The revision and addition read as follows:

§ 60.5415a How do I demonstrate continuous compliance with the standards for my well, centrifugal compressor, reciprocating compressor, pneumatic controller, pneumatic pump, storage vessel, collection of fugitive emissions components at a well site, and collection of fugitive emissions components at a compressor station affected facilities, and affected facilities at onshore natural gas processing plants?

* * * * *

(b) For each centrifugal compressor affected facility and each pneumatic pump affected facility, you must demonstrate continuous compliance according to paragraph (b)(3) of this section except as provided in paragraph (b)(4) of this section. For each centrifugal compressor affected facility, you also must demonstrate continuous compliance according to paragraphs (b)(1) and (2) of this section.

* * * * *

(4) Pneumatic pump affected facilities at a well site are not subject to the requirements of paragraph (b)(3) of this section from [DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**] until [DATE 90 DAYS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**].

* * * * *

7. Section 60.5416a is amended by revising the introductory text and adding paragraph (d) to read as follows:

§ 60.5416a What are the initial and continuous cover and closed vent system inspection and monitoring requirements for my centrifugal compressor, reciprocating compressor, pneumatic pump, and storage vessel affected facilities?

For each closed vent system or cover at your storage vessel, centrifugal compressor, reciprocating compressor and pneumatic pump affected facilities, you must comply with the applicable requirements of paragraphs (a) through (c) of this section, except as provided in paragraph (d) of this section.

* * * * *

(d) Pneumatic pump affected facilities at a well site are not subject to the requirements of paragraphs (a) and (b) of this section from [DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**] until [DATE 90 DAYS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**].

8. Section 60.5420a is amended by:

a. Revising paragraph (b) introductory text;

b. Staying paragraphs (b)(7), (8), and (12) from [DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**] until [DATE 90 DAYS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**];

c. Adding paragraph (b)(13); and
 d. Staying paragraphs (c)(15) through (17) from [DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**] until [DATE 90 DAYS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**].

The revision and addition read as follows:

§ 60.5420a What are my notification, reporting, and recordkeeping requirements?

* * * * *

(b) *Reporting requirements.* You must submit annual reports containing the information specified in paragraphs (b)(1) through (8) and (12) of this section and performance test reports as specified in paragraph (b)(9) or (10) of this section, if applicable, except as provided in paragraph (b)(13) of this section. You must submit annual reports following the procedure specified in paragraph (b)(11) of this section. The initial annual report is due no later than 90 days after the end of the initial compliance period as determined according to § 60.5410a. Subsequent annual reports are due no later than same date each year as the initial annual report. If you own or operate more than one affected facility, you may submit one report for multiple affected facilities provided the report contains all of the information required as specified in paragraphs (b)(1) through (8) of this section, except as provided in paragraph (b)(13) of this section. Annual reports may coincide with title V reports as long as all the required elements of the annual report are included. You may arrange with the Administrator a common schedule on which reports required by this part may be submitted as long as the schedule does not extend the reporting period.

* * * * *

(13) The collection of fugitive emissions components at a well site (as defined in § 60.5430a), the collection of fugitive emissions components at a compressor station (as defined in § 60.5430a), and pneumatic pump affected facilities at a well site (as defined in § 60.5365a(h)(2)) are not subject to the requirements of paragraph (b)(1) of this section from [DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**] until [DATE 90 DAYS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**].

* * * * *

[FR Doc. 2017-12473 Filed 6-15-17; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA-HQ-OAR-2010-0505; FRL-9963-36-OAR]

RIN 2060-AT59

Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Stay of Certain Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to stay for two years certain requirements that are contained within the Final Rule titled “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources,” published in the **Federal Register** on June 3, 2016 (2016 Rule). On June 5, 2017, the EPA published a notice that it stayed for three months the; fugitive emissions requirements, well site pneumatic pump standards, and the requirements for certification of closed vent systems by a professional engineer in accordance with the Clean Air Act (CAA). The EPA has granted reconsideration based on specific objections to these requirements. The proposed stay discussed in this action, which follows the three-month stay, would provide the EPA sufficient time to propose, take public comment, and issue a final action on the issues concerning the specific requirements on which EPA has granted reconsideration. During this time, the EPA also plans to complete its reconsideration process for all remaining issues raised in these reconsideration petitions regarding fugitive emissions, pneumatic pumps, and certification by professional engineer requirements. The EPA acknowledges that the administrative reconsideration petitions include additional issues regarding these three requirements other than the issues for which we specifically have granted reconsideration. In addition, since the publication of the 2016 Rule, the EPA has received numerous questions relative to the implementation of these three requirements. During the reconsideration proceeding, the EPA intends to look broadly at the entire 2016 Rule. The EPA believes that addressing all of these issues at the same time would provide clarity and certainty for the public and the regulated community with regard to these requirements. The EPA is seeking

comment pertaining to this stay and its duration and impact. The EPA is not taking comment at this time on substantive issues concerning these requirements, or on any of the other provisions subject to the reconsideration.

DATES: Comments must be received on or before July 17, 2017. If a hearing is requested on this proposed rule, written comments must be received on or before August 9, 2017.

Public Hearing. A public hearing will be held, if requested by June 21, 2017, to accept oral comments on this proposed action. If a hearing is requested, it will be held at the EPA’s Washington, DC campus located at 1201 Constitution Avenue NW., Washington, DC. The hearing, if requested, will begin at 9 a.m. (local time) and will conclude at 4 p.m. (local time) on July 10, 2017. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please contact Aimee St. Clair at (919) 541-1063 or by email at stclair.aimee@epa.gov.

Any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/actions-and-notices-about-oil-and-natural-gas#regactions>. In addition, you may contact Aimee St. Clair at (919) 541-1063 or email at stclair.aimee@epa.gov with public hearing inquiries. The EPA does not intend to publish a notice in the **Federal Register** announcing any such updates. Please go to <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/actions-and-notices-about-oil-and-natural-gas#regactions> for more information on the public hearing.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2010-0505, to the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment

contents located outside of the primary submission (*i.e.*, on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Tsirigotis, Sector Policies and Programs Division (D205-01), Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (888) 627-7764; email address: airaction@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On June 3, 2016, the EPA published a final rule titled “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources; Final Rule,” at 81 FR 35824 (“2016 Rule”). The 2016 Rule establishes new source performance standards (NSPS) for greenhouse gas emissions and volatile organic compound (VOC) emissions from the oil and natural gas sector. This rule addresses, among other things, fugitive emissions at well sites and compressor stations (“fugitive emissions requirements”) and emissions from pneumatic pumps. In addition, for a number of affected facilities (*i.e.*, centrifugal compressors, reciprocating compressors, pneumatic pumps, and storage vessels), the rule requires certification by a professional engineer of the closed vent system design and capacity, as well as any technical infeasibility determination relative to controlling pneumatic pumps at well sites. For further information on the 2016 Rule, see 81 FR 35824 (June 3, 2016) and associated Docket ID No. EPA-HQ-OAR-2010-0505.

On August 2, 2016, a number of interested parties submitted administrative petitions to the EPA seeking reconsideration of various aspects of the 2016 Rule pursuant to section 307(d)(7)(B) of the CAA (42 U.S.C. 7607(d)(7)(B)).¹ Those petitions include numerous objections relative to the fugitive emissions requirements, well site pneumatic pump standards, and the requirements for certification by professional engineer.

In accordance with section 307(d)(7)(B) of the CAA, the Administrator shall convene a reconsideration proceeding if, in the

Administrator’s judgment, the petitioner raises an objection to a rule that was impracticable to raise during the comment period or if the grounds for the objection arose after the comment period but within the period for judicial review, and the objection is of central relevance to the outcome of the rule. The Administrator may stay the effectiveness of the rule for up to three months during such reconsideration.

In a letter dated April 18, 2017, based on the criteria in CAA section 307(d)(7)(B), the Administrator convened a proceeding for reconsideration of the following objections relative to the fugitive emissions requirements: (1) The process and criteria for requesting and receiving approval for the use of an alternative means of emission limitations (AMEL) for purposes of compliance with the fugitive emissions requirements in the 2016 Rule and (2) the applicability of the fugitive emissions requirements to low production well sites.²

After issuing the April 18, 2017, letter, the EPA identified objections to two other aspects of the 2016 Rule that meet the criteria for reconsideration under section 307(d)(7)(B) of the CAA. These objections relate to (1) the requirements for certification of closed vent system by professional engineer (“PE certification requirement”); and (2) the well site pneumatic pump standards. As part of the administrative reconsideration proceeding, the EPA will prepare a notice of proposed rulemaking that will provide the petitioners and the public an opportunity to comment on the fugitive emissions requirements, well site pneumatic pump standards, and the requirements for certification by professional engineer, and the issues associated with these requirements.

On June 5, 2017, the EPA published a notice that it stayed the fugitive emissions requirements, the well site pneumatic pumps requirements, and the requirements for certification of closed vent system by professional engineer for three months pursuant to section 307(d)(7)(B) of the CAA. This stay is effective from June 2, 2017, to August 31, 2017. When we have issued similar stays in the past, it has often been our practice to also propose a longer stay through a rulemaking process. See, *e.g.*, 74 FR 36427 (July 23, 2009). In this case, for the reasons stated below, we propose to stay these requirements in the 2016 Rule for two years.

II. The Proposed Action

The EPA is proposing to stay the fugitive emissions requirements, the well site pneumatic pump standards, and the requirements for certification of closed vent system by professional engineer in the 2016 Rule until [DATE 2 YEARS AFTER PUBLICATION OF FINAL RULE IN THE FEDERAL REGISTER].

As explained above, the EPA has convened a proceeding for reconsideration based on the following two objections to the fugitive emission requirements: (1) The process and criteria for requesting and receiving approval for the use of an AMEL for the fugitive emissions requirements; and (2) the applicability of the fugitive emissions requirements to low production well sites. These issues determine the universe of sources that must implement the fugitive emissions requirements. With respect to the AMEL issue, the EPA recognizes that a number of states have developed programs to control oil and gas emission sources in their own states, and that certain owners or operators may achieve equivalent, or more, emission reduction from their affected source(s) than the required reduction under the 2016 Rule by complying with their state-mandated requirements. 81 FR 35871. During development of the 2016 Rule, the EPA evaluated state fugitive emissions programs in Colorado, Ohio, Pennsylvania, Texas, West Virginia, and Wyoming. Additionally, California has recently proposed regulations to reduce methane emissions from oil and gas activities, including proposing fugitive emissions requirements. These seven states represent a significant portion of the oil and gas activities in the U.S. To encourage states’ proactive efforts to reduce emissions from the oil and gas industry, the EPA included AMEL provisions in the final 2016 Rule, which can be used to request and obtain EPA approval of state programs, or other means, as an alternative for complying with the fugitive emissions requirements. *Id.*

While the AMEL provisions apply to work practice standards besides the fugitive emissions requirements, these other standards (*i.e.*, well completions and reciprocating compressors work practice standards) have been implemented since they were first promulgated in 2012³ (subpart OOOO) to reduce VOC emissions from hydraulically fractured gas well

¹ Copies of these petitions are included in the docket for the 2016 Rule, Docket ID No. EPA-HQ-OAR-2010-0505.

² See Docket ID No. EPA-HQ-OAR-2010-0505-7730.

³ Oil and Natural Gas Sector: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews. 77 FR 49490 (August 16, 2012).

completions and reciprocating compressors used in production, and there has not been a demand for AMEL for these standards. In contrast, the newly promulgated fugitive emissions requirements are still in the process of being phased in.⁴ In addition, as the EPA observed in the 2016 Rule, fugitive emissions monitoring is a field of emerging technology, and major advances are expected in the near future. 81 FR 35860–1. For the reasons stated above, the AMEL provisions are of particular importance to the fugitive emissions requirements as they directly impact how compliance can be achieved with respect to the fugitive emissions requirements. However, several administrative reconsideration petitions raised issues and questions regarding the AMEL provisions relative to the fugitive emissions requirements (e.g., who can apply for and who can use an approved AMEL).

These inquiries and concerns suggest that the AMEL provisions included in the 2016 Rule, which were finalized without having been proposed for notice and comment, may not be sufficiently clear to facilitate effective application and approval of AMEL, and therefore fail to serve their intended purpose. The ability to apply for and obtain AMEL for fugitive emissions requirements determines whether well sites and compressor stations, in particular those subject to existing state programs or those which have invested in emerging technology, must now redirect or expend additional resources and efforts to implement the 2016 Rule's fugitive emissions requirements, which may negatively impact or otherwise complicate their compliance with applicable state programs and/or their progress in using emerging technology, an endeavor that may potentially be rendered unnecessary should the sources qualify for AMEL. For the reasons stated above, the EPA believes that it is reasonable to stay the fugitive emissions requirements while it completes a review of the current AMEL process via rulemaking.

The low production well site issue concerns the scope of the sources subject to the well site fugitive emissions requirements. The EPA had proposed to exempt low production well sites from the fugitive emissions requirements, believing the lower production associated with these wells would generally result in lower fugitive emissions. 80 FR 56639. However, in

the final rule, the EPA required that these well sites comply with the fugitive emissions requirements, based on information and rationale not presented for public comment during the proposal stage. See 81 FR 35856 (“... well site fugitive emissions are not correlated with levels of production, but rather based on the number of pieces of equipment and components”). Available information indicated that “30 percent of natural gas wells are low production wells, and 43 percent of all oil wells are low production wells.” 81 FR 35856. In light of the sizable percentage of well sites that may be impacted by the outcome of this reconsideration, the EPA believes that it is reasonable to stay the well site fugitive emissions requirements while the EPA reassesses whether an exemption is appropriate and, if so, establishes proper criteria for such exemption.

For closed vent systems used to comply with the emission standards for various equipment used in the oil and natural gas sector, the 2016 Rule requires certification by a professional engineer that a closed vent system design and capacity assessment was conducted under his or her direction or supervision and that the assessment and resulting report were conducted pursuant to the requirements of the 2016 Rule. This certification requirement must be met in order to comply with the emissions standards for centrifugal compressors, reciprocating compressors, pneumatic pumps, and storage vessels; as such, this requirement impacts a wide range of sources with respect to their ability to show compliance. With the exception of pneumatic pumps, all of the equipment mentioned above is covered by the oil and gas NSPS, subpart OOOO, that was promulgated in 2012, and have had to demonstrate compliance without this certification requirement. While the EPA has observed instances of inadequate design and capacities of the closed vent system resulting in excess emissions from some storage vessels, 80 FR 56649, it is not clear how pervasive this issue is, in particular with respect to all the other equipment mentioned above. Further, as noted by one petitioner, “no costs associated with the certification requirement were considered or provided for review during the proposal process.”⁵ Section 111 of the CAA requires that the EPA consider, among other factors, the cost associated with establishing a new source performance standard. See 111(a)(1) of the CAA. The statute is thus

clear that cost is an important consideration in determining whether to impose a requirement.

In finalizing the 2016 Rule, the EPA made clear that it viewed the PE certification requirement to be an important aspect of a number of performance standards in the rule. The EPA acknowledges that it had not analyzed the costs associated with the PE certification requirement and evaluated whether the improved environmental performance this requirement may achieve justifies the associated costs and other compliance burden. Because the emission standards for these various equipment (with the exception of the well site pneumatic pump standards as discussed later in this notice) will continue to apply during the proposed stay of this certification requirement, emission reductions from this equipment will continue to be achieved during the stay. For the reasons stated above, the EPA believes that it is reasonable to stay the requirement for closed vent system certification by professional engineer while the EPA evaluates the benefits, as well as the cost and other possible compliance burden, associated with this requirement.

In addition to the closed vent system certification requirement, there are other issues that we are reconsidering that may further complicate a source's ability to comply with the well site pneumatic pump standards. Specifically, the 2016 Rule requires certification by a professional engineer of technical infeasibility in order for a well site pneumatic pump to qualify for an exemption from controlling emissions using an existing control or process. The certification requirement was included in the 2016 Rule without having been previously proposed for notice and comment. Further, the technical infeasibility exemption is not available for a well site that is a “greenfield” site, a caveat and term that was also not proposed for notice and comment and, as evident from several reconsideration petitions, has generated a number of questions and issues.

As explained above, certification of closed vent systems by a professional engineer affects how compliance with various emission standards is to be determined. The technical infeasibility exemption and the associated certification by professional engineer requirement, as well as the “greenfield” issues described above, dictate whether a source must comply with the emission reduction requirement for well site pneumatic pumps. These requirements and their associated issues directly impact the ability of a wide range of

⁴ As mentioned above, the fugitive emissions requirements, including the June 3, 2017, deadline for conducting initial monitoring survey, are currently stayed for three months pursuant to section 307(d)(7)(B).

⁵ See Docket ID No. EPA-HQ-OAR-2010-0505-7682, p. 1.

sources, in particular well site pneumatic pumps, to achieve and show compliance with their applicable standards. Therefore, the EPA believes it is reasonable to stay these requirements pending reconsideration.

The EPA is proposing to stay the fugitive emissions requirements, the well site pneumatic pump standards, and the requirements for certification by professional engineer for 2 years. As described above, these three requirements entail a wide range of technically complex issues. For example, the AMEL provisions involve determining equivalency with the fugitive emissions requirements, and the low production well site exemption requires determining the factors that correlate to fugitive emissions. Further, based on the great interest expressed by stakeholders (including states, industry, and manufacturers of emerging monitoring technology), in particular on the AMEL,⁶ the EPA anticipates receiving a large amount of information during the reconsideration proceeding. Also, during the reconsideration proceeding the EPA intends to request comment on the cost and other compliance burden, among other relevant information, associated with the requirement for certification by a professional engineer. In light of the above, the EPA believes that two years would provide sufficient time to review available information and propose, take public comment, and issue a final action on the reconsideration of these issues. The administrative reconsideration petitions raise numerous other issues relative to the fugitive emission requirements, well site pneumatic pump standards, and requirements for certification by professional engineer other than those described above. The EPA has also been asked clarifying questions on implementation of these requirements from stakeholders since the 2016 Rule was published. These questions touch on issues such as the timeframe for repair of leaking components, timeframe for closed vent system inspection definitions related to fugitive emissions and pneumatic pump requirements, definitions of the affected facilities, and the temperature waiver for quarterly monitoring. Given the breadth of the issues identified in the petitions for reconsideration of the 2016 Rule, and the additional implementation questions from stakeholders following publication, the EPA believes that it is in the public

interest that it address these other related issues at the same time it reconsiders the fugitive emissions requirements, well site pneumatic pumps standards, and the certification by professional engineer requirements, thereby avoiding addressing these requirements in a piecemeal fashion. The EPA believes that staying the specified requirements for two years is necessary to provide sufficient time to complete the actions described above.

Note that we are not taking comment at this time on substantive issues concerning these requirements, or on any of the other provisions subject to the reconsideration. This notice simply proposes to stay the specified requirements for two years. The EPA is seeking comment pertaining to this stay and its duration. A separate **Federal Register** notice published in the near future will specifically solicit comment on substantive issues concerning these requirements.

III. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be 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 an economically significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review. Any changes made in response to OMB recommendations have been documented in the docket. The EPA prepared a Regulatory Impact Analysis (RIA) of the potential costs and benefits associated with the 2016 Rule, which is available at Docket ID No. EPA-HQ-OAR-2010-0505-7630. As this action affects two of the components that were included in the costs and benefits estimations, the fugitive requirements and the pneumatic pump requirements, as well as only affects three years of compliance activity, 2017 through 2019, the cost estimates provided here focus only on those affected provisions and years. It should be noted that these figures only represent the cost reductions associated with these activities. Although there would be foregone benefits as a result of this proposed delay, a quantitative estimate of this effect is not currently available, and therefore the associated foregone benefits are not presented.

This action delays compliance for fugitive requirements from approximately September 2017 until

September 2019. In the 2016 rule, fugitive components accumulated as affected sources from September 2015 until June 2017, when all accumulated and new sources moving forward had to be in compliance. The previously published three-month stay delayed compliance until September 2017. This proposed stay further delays compliance so affected components accumulate from September 2015 through September 2019, after which all accumulated sources and new sources moving forward must be in compliance.

This action also extends the stay for pneumatic pump requirements at well sites that was enacted in the three-month stay. Pneumatic pump affected facilities at well sites were required to be in compliance from November 2016 until June 2017 when EPA issued the three-month stay. Newly affected sources accumulate under the initial three-month stay starting in June 2017 to September 2017. This proposed stay delays compliance until September 2019, after which the accumulated affected sources and newly affected sources moving forward must be in compliance.

Costs and benefits for each year after 2019 remain unaffected. Using the estimated source counts as presented in Table 3–2 of the 2016 RIA, the EPA estimated a baseline for the capital costs, annual operating and maintenance costs and value of product recovery between 2017 and 2019 for the two requirements. This baseline accounts for the initial three-month stay. Then, the EPA estimated these costs under this proposed stay. Total costs for both actions were calculated as capital costs plus annual costs minus revenue from product recovery. These undiscounted costs are presented in Table 1, below. The difference between them, cost savings due to this proposed stay, is presented in Table 2. Table 3 presents the total costs, accounting for the value of product recovery, and their differences discounted to 2017 using both a 3 percent and a 7 percent discount rate, the present values of these costs, and their equivalent annualized values. The equivalent annualized values are the annualized present values, or the even flow of the present values, over the three years affected by this proposed action. These costs are presented in 2016 dollars.⁷

⁷ Careful consideration must be made in comparing these costs to those presented in the 2016 RIA. Costs presented in the 2016 RIA are costs in 2020 and 2025 and are presented in 2012 dollars. Costs presented here are for 2017, 2018 and 2019 and presented in 2016 dollars, in accordance with OMB Guidance M–17–21 for EO 13771. In addition, some of the presented capital costs presented in the

⁶ See e.g., Oil and Natural Gas Sector: Request for Information, Emerging Technologies. 81 FR 46670 (July 18, 2016), and associated docket EPA-HQ-OAR-2016-0346.

TABLE 1—COST ESTIMATES OF THE BASELINE AND THIS PROPOSAL, UNDISCOUNTED
[2016\$ millions]

	Baseline				Proposal			
	Capital costs	Annual costs	Revenue from product recovery	Total costs	Capital costs	Annual costs	Revenue from product recovery	Total costs
2017	\$43	\$61	\$11	\$92	\$3	\$0	\$0	\$3
2018	21	153	28	146	0	0	0	0
2019	21	199	36	184	83	199	36	246

Note: These costs only account for the fugitive emissions and well site pneumatic pumps requirements. We did not include the costs of professional engineer certification because these costs were not accounted for in the 2016 Rule. Values may not sum due to rounding.

TABLE 2—DIFFERENCE OF THE COST ESTIMATES OF THE BASELINE AND THIS PROPOSAL, UNDISCOUNTED
[2016\$ millions]

	Difference			
	Capital costs	Annual costs	Revenue from product recovery	Total costs
2017	-\$40	-\$61	-\$11	-\$89
2018	-21	-153	-28	-146
2019	61	0	0	61

TABLE 3—TOTAL COST ESTIMATES OF THE BASELINE AND THIS PROPOSAL, DISCOUNTED TO 2017
[2016\$ millions]

	Baseline		Proposal		Difference	
	3%	7%	3%	7%	3%	7%
2017	\$92	\$92	\$3	\$3	-\$89	-\$89
2018	142	136	0	0	-142	-136
2019	174	161	231	214	58	53
Present Value	408	390	234	217	-173	-172
Equivalent Annualized Value	140	139	80	77	-60	-61

Note: These costs only account for the fugitive emissions and well site pneumatic pumps requirements. We did not include the costs of professional engineer certification because these costs were not accounted for in the 2016 Rule. These total costs account for the value of product recovery.

The total costs presented here reflect the total capital costs estimated for all affected sources in each year, as well as the accumulated annual operating and maintenance costs and associated product recovery values. The difference in estimated costs between the baseline and this proposed action are largely due to the annual operating and maintenance that would be incurred in 2017 and 2018 by affected components under the baseline that are not incurred under the stay. The small cost of this proposal in 2017 is due to the cost of compliance for affected pneumatic pumps at well sites before the three-month stay began. The difference in costs in 2019 is due to the capital costs borne by new sources constructed prior to 2019 whose compliance was delayed until 2019 under this proposal.

As can be seen in Table 2, the cost savings of this proposal in 2017 and 2018, mainly due to forgone annual operating and maintenance costs, are slightly offset by the higher costs in 2019, due to the larger number of sources that would be incurring capital and annual operating and maintenance costs in that year under this proposal. The larger costs savings in the early years leads to net cost savings from this action. As can be seen in Table 3, the estimated total present value of cost savings associated with this proposal are \$173 million when using a 3 percent discount rate and \$172 million when using a 7 percent discount rate. The equivalent annualized values of the cost savings are \$60 million per year when using a 3 percent discount rate and \$61 million per year using a 7 percent discount rate.

The estimates presented here are made under a few assumptions, including:

- The EPA is assuming that no affected entities with compliance dates after June 2017 have begun performing compliance activities. If some affected entities have already begun performing compliance activities, there are associated sunk costs and ongoing operating and maintenance costs that should be accounted for in the estimates of costs of this proposal; this would reduce the cost savings associated with this proposal.
- Affected entities may decide not to delay compliance by the full two years because earlier compliance may allow for coordination of regulatory and non-regulatory capital work, thus minimizing operational downtime. Earlier compliance leads to earlier

2016 RIA are annualized values, as are the presented total costs; capital costs, and therefore

total costs, are not annualized in the analysis presented here.

incurrence of annual costs and benefits, which would reduce the cost savings associated with this proposed action.

- However, this may also reduce capital costs for those entities electing to comply earlier under this proposal—for instance, if overtime payments and rush charges can be avoided. This may increase the cost savings associated with the proposal.

- The cost of the PE certification was not taken into account in the 2016 RIA and therefore the costs of this provision under the 2016 rule cannot be compared to the costs under this proposal. The inclusion of the costs of this certification would likely increase the cost savings under this proposal, as costs related to the certifications that would otherwise take place between September 2017 and September 2019 would no longer be incurred.

- The costs presented here assumes pneumatic pumps become affected evenly throughout the year. If more sources become affected in the earlier (later) months than is assumed, the associated sunk costs will be higher (lower) than presented and cost savings associated with this proposal will decrease (increase).

Given data limitations, the cost estimates related to this action have not been adjusted to reflect these analytic considerations. The cost estimates also do not reflect any changes in baseline conditions, with the exception of the initial three-month stay, since the analysis for the 2016 rule was conducted (e.g., new developments in state level fugitive emissions programs, technological change, or other factors affecting the cost of compliance activities).

Although the potential existence of sunk costs, voluntary early compliance, and changes in baseline assumptions would likely reduce the effects of this proposed action to less than the difference shown in Table 1, the impact in at least one year is still almost certainly greater than \$100 million, thus rendering this action economically significant under Executive Order 12866.

The analysis accompanying the 2016 Rule includes estimates of the 2016 Rule's emission reduction benefits. It should be noted that, just as the annual operating and maintenance costs and value of product recovery in 2017 and 2018 are not incurred by affected sources under the proposal, neither are the associated climate and human health benefits. Although there would be foregone benefits as a result of this proposed delay, a quantitative estimate of this effect is not currently available.

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing 40 CFR part 60, subpart OOOO and has assigned OMB control number 2060–0673. The information collection requirements in the final 40 CFR 60, subpart OOOOa have been submitted for approval to the OMB under the PRA. The Information Collection Request (ICR) document prepared by EPA has been assigned EPA ICR 2523.01. This action does not result in changes to the approved ICR for subpart OOOO or the submitted ICR for subpart OOOOa, so the information collection estimates of project cost and hour burdens have not been revised.

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. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. This action proposes a limited stay for certain requirements. This proposed stay will decrease the burden on small entities subject to this rule. The EPA prepared a final RFA analysis for the 2016 Rule, which is available as part of the Regulatory Impact Analysis in the docket at Docket ID No. EPA–HQ–OAR–2010–0505–7630. We have therefore concluded that this action will have a net negative regulatory burden for all directly regulated small entities.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

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: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, 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, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

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

This action is subject to Executive Order 13045 because it is an economically significant regulatory action as defined by Executive Order 12866, and the EPA believes that the environmental health or safety risk addressed by this action may have a disproportionate effect on children. The basis for this determination can be found in the 2016 Rule (81 FR 35893). However, because this action merely proposes to delay the 2016 Rule, this action will not change any impacts of the 2016 Rule after the stay. Any impacts on children's health caused by the delay in the rule will be limited, because the length of the proposed stay is limited. The agency therefore believes it is more appropriate to consider the impact on children's health in the context of any substantive changes proposed as part of reconsideration.

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

This action is not a “significant energy action” because it is not likely to have a significant adverse effect on the supply, distribution or use of energy. The basis for this determination can be found in the 2016 Rule (81 FR 35894).

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

Because this action merely proposes to delay action and does not change the requirements of the final rule, this action will not change any impacts of the rule when it is fully implemented. Any impacts on minority populations and low-income populations caused by

the delay in the rule will be limited, because the length of the proposed stay is limited. The agency therefore believes it is more appropriate to consider the impact on minority populations and low-income populations in the context of any substantive changes proposed as part of reconsideration.

List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping.

Dated: June 12, 2017.

E. Scott Pruitt,
Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is proposed to be amended as follows:

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

■ 1. The authority citation for part 60 continues to read as follows:

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

Subpart OOOOa—[AMENDED]

■ 2. Section 60.5393a is amended by:
 ■ a. Staying paragraphs (b) and (c) until [DATE 2 YEARS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**]; and
 ■ b. Adding paragraph (f).

The addition reads as follows:

§ 60.5393a What GHG and VOC standards apply to pneumatic pump affected facilities?

* * * * *

(f) Pneumatic pumps at a well site are not subject to the requirements of paragraphs (d) and (e) of this section until [DATE 2 YEARS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].

§ 60.5397a [AMENDED]

■ 3. Section 60.5397a is stayed until [DATE 2 YEARS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].
 ■ 4. Section 60.5410a is amended by:
 ■ a. Staying paragraphs (e)(2) through (5) until [DATE 2 YEARS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**];
 ■ b. Adding paragraph (e)(8); and
 ■ c. Staying paragraph (j) until [DATE 2 YEARS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].

The addition reads as follows:

§ 60.5410a How do I demonstrate initial compliance with the standards for my well, centrifugal compressor, reciprocating compressor, pneumatic controller, pneumatic pump, storage vessel, collection of fugitive emissions components at a well site, collection of fugitive emissions components at a compressor station, and equipment leaks and sweetening unit affected facilities at onshore natural gas processing plants?

* * * * *

(e) * * *

(8) Pneumatic pump affected facilities at a well are not subject to the requirements of paragraphs (e)(6) and (7) of this section until [DATE 2 YEARS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].

* * * * *

■ 5. Section 60.5411a is amended by:

■ a. Revising the introductory text;
 ■ b. Staying paragraph (d) until [DATE 2 YEARS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**]; and
 ■ c. Adding paragraph (e).

The revision and addition read as follows:

§ 60.5411a What additional requirements must I meet to determine initial compliance for my covers and closed vent systems routing emissions from centrifugal compressor wet seal fluid degassing systems, reciprocating compressors, pneumatic pumps and storage vessels?

You must meet the applicable requirements of this section for each cover and closed vent system used to comply with the emission standards for your centrifugal compressor wet seal degassing systems, reciprocating compressors, pneumatic pumps and storage vessels except as provided in paragraph (e) of this section.

* * * * *

(e) Pneumatic pump affected facilities at a well site are not subject to the requirements of paragraph (a) of this section until [DATE 2 YEARS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].

■ 6. Section 60.5415a is amended by:
 ■ a. Revising paragraph (b) introductory text and adding paragraph (b)(4); and
 ■ b. Staying paragraph (h) until [DATE 2 YEARS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].

The revision and addition read as follows:

§ 60.5415a How do I demonstrate continuous compliance with the standards for my well, centrifugal compressor, reciprocating compressor, pneumatic controller, pneumatic pump, storage vessel, collection of fugitive emissions components at a well site, and collection of fugitive emissions components at a compressor station affected facilities, and affected facilities at onshore natural gas processing plants?

* * * * *

(b) For each centrifugal compressor affected facility and each pneumatic pump affected facility, you must demonstrate continuous compliance according to paragraph (b)(3) of this section except as provided in paragraph (b)(4) of this section. For each centrifugal compressor affected facility, you also must demonstrate continuous compliance according to paragraphs (b)(1) and (2) of this section.

* * * * *

(4) Pneumatic pump affected facilities at a well site are not subject to the requirements of paragraph (b)(3) of this section until [DATE 2 YEARS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].

* * * * *

■ 7. Section 60.5416a is amended by revising the introductory text and adding paragraph (d) to read as follows:

§ 60.5416a What are the initial and continuous cover and closed vent system inspection and monitoring requirements for my centrifugal compressor, reciprocating compressor, pneumatic pump, and storage vessel affected facilities?

For each closed vent system or cover at your storage vessel, centrifugal compressor, reciprocating compressor and pneumatic pump affected facilities, you must comply with the applicable requirements of paragraphs (a) through (c) of this section, except as provided in paragraph (d) of this section.

* * * * *

(d) Pneumatic pump affected facilities at a well site are not subject to the requirements of paragraphs (a) and (b) of this section until [DATE 2 YEARS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].

■ 8. Section 60.5420a is amended by:
 ■ a. Revising paragraph (b) introductory text;
 ■ b. Staying paragraphs (b)(7), (8), and (12) until [DATE 2 YEARS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**];
 ■ c. Adding paragraph (b)(13); and
 ■ d. Staying paragraphs (c)(15) through (17) until [DATE 2 YEARS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].

The revision and addition read as follows:

§ 60.5420a What are my notification, reporting, and recordkeeping requirements?

* * * * *

(b) *Reporting requirements.* You must submit annual reports containing the information specified in paragraphs (b)(1) through (8) and (12) of this section and performance test reports as specified in paragraph (b)(9) or (10) of this section, if applicable, except as provided in paragraph (b)(13) of this section. You must submit annual reports following the procedure specified in paragraph (b)(11) of this section. The initial annual report is due no later than 90 days after the end of the initial compliance period as determined according to § 60.5410a. Subsequent annual reports are due no later than same date each year as the initial annual report. If you own or operate more than one affected facility, you may submit one report for multiple affected facilities provided the report contains all of the information required as specified in paragraphs (b)(1) through (8) of this section, except as provided in paragraph (b)(13) of this section. Annual reports may coincide with title V reports as long as all the required elements of the annual report are included. You may arrange with the Administrator a common schedule on which reports required by this part may be submitted as long as the schedule does not extend the reporting period.

* * * * *

(13) The collection of fugitive emissions components at a well site (as defined in § 60.5430a), the collection of fugitive emissions components at a compressor station (as defined in § 60.5430a), and pneumatic pump affected facilities at a well site (as defined in § 60.5365a(h)(2)) are not subject to the requirements of paragraph (b)(1) of this section until [DATE 2 YEARS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].

* * * * *

[FR Doc. 2017-12698 Filed 6-15-17; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 2 and 25**

[IB Docket No. 17-95; FCC 17-56]

Amends Rules Related to Satellite Earth Stations Mounted on Vessels, Vehicles and Aircraft**AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) proposes to streamline, consolidate, and harmonize rules governing earth stations in motion (ESIMs) used to provide satellite-based services on ships, airplanes and vehicles communicating with geostationary-satellite orbit (GSO), fixed-satellite service (FSS) satellite systems.

DATES: Comments are due on or before July 31, 2017. Reply comments are due on or before August 30, 2017.

ADDRESSES: You may submit comments, identified by IB Docket No. 17-95, by any of the following methods:

- *Federal Communications Commission's Web site:* <http://apps.fcc.gov/ecfs>. Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Cindy Spiers, 202-418-1593.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM), FCC 17-56, adopted May 18, 2016, and released May 19, 2017. The full text of the NPRM is available at https://apps.fcc.gov/edocs_public/attachmatch/FCC-17-56A1.pdf. The NPRM is also available for inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY-A257, Washington, DC 20554. To request materials in accessible formats for people with disabilities, send an email to FCC504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

Comment Filing Requirements

Interested parties may file comments and reply comments on or before the dates indicated in the **DATES** section above. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- *Electronic Filers.* Comments may be filed electronically using the Internet by accessing the ECFS, <http://apps.fcc.gov/ecfs>.
- *Paper Filers.* Parties who file by paper must include an original and four copies of each filing.

Filings may be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington DC 20554.
- *Persons With Disabilities.* To request materials in accessible formats for persons with disabilities (Braille, large print, electronic files, audio format), or to request reasonable accommodations for filing comments (accessible format documents, sign language interpreters, CART, etc.), send an email to fcc504@fcc.gov or call 202-418-0530 (voice) or 202-418-0432 (TTY).

Ex Parte Presentations

We will treat this proceeding as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph

numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Paperwork Reduction Act

This document contains proposed new and modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Synopsis

In this Notice of Proposed Rulemaking (NPRM), the Commission seeks comment on two broad proposals to facilitate the deployment of Earth Stations in Motion (ESIMs) and reduce the regulatory burdens on ESIMs. First, we propose to reorganize and consolidate the sections in part 25 of the Commission's rules, including technical and operational as well as application rules, for the three types of Fixed-Satellite Service (FSS) earth stations that the Commission authorizes to transmit while in motion: Earth Stations on Vessels (ESVs), Vehicle-Mounted Earth Stations (VMESs), and Earth Stations Aboard Aircraft (ESAAs). We will refer to these earth stations collectively as ESIMs.

Second, we propose new rules to allow the operation of ESIMs in the conventional Ka-band. Specifically, our proposals would apply to ESIMs communicating with geostationary-orbit (GSO) FSS space stations operating in 18.3–18.8 GHz and 19.7–20.2 GHz

(space-to-Earth), and 28.35–28.6 GHz and 29.25–30.0 GHz (Earth-to-space) frequency bands.¹ The proposed rule changes for ESIMs in the conventional Ka-band would promote innovative and flexible use of satellite technology, and provide new opportunities for a variety of uses. The proposed rules would also create regulatory equity by adopting a regulatory regime for ESIM operations in the conventional Ka-band similar to that which currently exists in the conventional C-band, the conventional Ku-band, and in portions of the extended Ku-band.² We seek comment on these proposals and solicit input on other ideas for streamlining our rules while providing flexibility moving forward.

Proposal Overview

Part 25 of the Commission's rules is organized in the following manner: Subpart A contains general rules relating to scope and definitions; Subpart B contains rules relating to application filing requirements and licensing procedures; Subpart C provides technical standards for licensing earth and space stations; and Subpart D contains rules governing the technical operations of earth and space station operations.³ In this NPRM, we propose to make revisions in each of these subparts. Through this proceeding, to the extent possible, we

¹ While there currently are NGSO FSS ESIM operations in portions of the 17.8–20.2 GHz and 27.5–30.0 GHz bands, authorized on a non-harmful-interference basis, O3b Limited Radio Station Authorization, IBFS File No. SES-LIC-20130528-00455 (granted May 13, 2014), this NPRM will only address the GSO FSS ESIM operations. O3b and SES Americom request that we expand the scope of this proceeding to cover NGSO ESIM operations. See Letter from Suzanne Malloy, Vice President, Regulatory Affairs, O3b Limited, and Petra A. Vorwig, Senior Legal & Regulatory Counsel, SES Americom, Inc. to Marlene H. Dortch, Secretary, FCC, IB Docket No. 17–95 (filed May 12, 2017). O3b and SES Americom's request is premature. There is an open proceeding addressing NGSO FSS licensing and service rules and the Commission will be in a better position to propose rules for ESIMs communicating with NGSO satellites after the resolution of technical rules in that proceeding. See *Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters*, IB Docket No. 16–408, Notice of Proposed Rulemaking, 31 FCC Rcd 13651 (2016).

² The "conventional C-band" refers to the 3700–4200 MHz (space-to-Earth) and 5925–6425 MHz (Earth-to-space) FSS frequency bands. See 47 CFR 25.103. The "conventional Ku-band" refers to the 11.7–12.2 GHz (space-to-Earth) and 14.0–14.5 GHz (Earth-to-space) FSS frequency bands, and the "extended Ku-band" refers to the 10.95–11.2 GHz, 11.45–11.7 GHz, and 13.75–14.0 GHz bands.

³ In addition, Subpart E is reserved, Subpart F relates to competitive bidding procedures for the satellite digital audio radio service, Subparts G and H are reserved, Subpart I relates to equal employment opportunities, and Subpart J relates to public interest obligations. We do not propose any changes to Subparts E through J in this NPRM.

propose to eliminate duplicative rule provisions that apply to ESIMs on specific vehicle types operating in specific frequency bands and require instead that ESIMs meet the same requirements as fixed and temporary fixed earth stations. We propose to maintain those rule provisions that ensure that FSS earth stations operating while in motion do not cause more interference than FSS earth stations at fixed locations. We seek comment on these proposals.

Definitions

In this NPRM, we propose to amend current definitions and add new definitions that will allow for greater clarity regarding the operation of earth stations in motion with GSO FSS space stations. We seek comment on these proposals.

Definition of ESIMs. We propose to define Earth Stations in Motion (ESIMs) in § 25.103 to mean a term that collectively designates ESVs, VMESs and ESAAs, which are already defined in § 25.103.

Revised Definition of Blanket License. We propose to amend the definition of Blanket License in § 25.103.⁴ We propose to change the designation of the type of earth station in this definition, *i.e.*, fixed or mobile, to refer instead to the type of satellite service in which the earth station operates, *i.e.*, FSS or MSS. Changing the earth-station categorization in this definition to FSS and MSS better reflects the nature of ESIM operations as proposed in this NPRM. Additionally we propose minor rewording of the second clause to more directly mirror the first clause of the definition. Specifically, the revised definition of Blanket License, as proposed, would read: "A license for: (1) multiple earth stations in the FSS or MSS, or for SDARS terrestrial repeaters, that may be operated anywhere within a geographic area specified in the license, or (2) for multiple space stations in non-geostationary-orbit."

Definition of Network Control and Monitoring Center (NCMC). We propose to add a definition of Network Control and Monitoring Center to § 25.103. An NCMC, as used in the part 25 rules, is a facility that has the capability to remotely control earth stations operating

⁴ The current definition of Blanket License states: "A license for multiple fixed or mobile earth stations or SDARS terrestrial repeaters that may be operated anywhere within a geographic area specified in the license, or for multiple non-geostationary-orbit space stations." 47 CFR 25.103.

as any part of a satellite network or system.⁵

Revised Definitions of VMES and ESAA. Because we are proposing to consolidate the current VMES and ESAA operating requirements (now codified in §§ 25.226 and 25.227, respectively) into a new ESIM section (proposed as § 25.228), §§ 25.226 and 25.227 would be deleted as a consequence of that consolidation. Similarly, any cross-references to those deleted sections elsewhere in the rules would need to be deleted as well. As such cross-references appear in the § 25.103 definitions of VMES and ESAA, we propose to revise these definitions accordingly.⁶

Revised Definition of Routine Processing. The current definition of routine processing in § 25.103 includes a cross-reference to § 25.138(a), which we propose to consolidate into § 25.218(i). We propose to delete this cross-reference, because the definition already includes a cross-reference to § 25.218.

Revised Definition of Two-Degree Compliant Space Station. The current definition of a two-degree compliant space station in § 25.103 contains a cross-reference to § 25.138, which we propose to consolidate with § 25.218, and cross-references to §§ 25.221, 25.222, 25.226, and 25.227 in connection with off-axis e.i.r.p. limits that we also propose be included in § 25.218. We therefore propose to update this definition to remove the cross-references to §§ 25.138, 25.221, 25.222, 25.226, and 25.227.

Incorporating § 25.138 Into § 25.218, and Extending the Applicability of § 25.218 to the Conventional Ka-Band and ESIMs

Section 25.218 contains off-axis e.i.r.p. density envelopes for FSS earth stations transmitting to GSO FSS space stations in the conventional C-band, extended C-band, conventional Ku-band, or extended Ku-band.⁷ Earth stations in these frequency bands that comply with these envelopes are considered “two-degree-spacing compliant,” and the operators of their target space stations are not required to

⁵ As such, an NCMC would constitute a “remote control point” as that term is used in the Part 25 rules (see, e.g., 47 CFR 25.271(b), 25.272(d)(1)).

⁶ While we are also proposing to bring the section 25.221 and 25.222 operating requirements for ESVs under the same umbrella that will cover VMESs and ESAAs (i.e., the umbrella of the proposed section 25.228 for ESIMs), the section 25.103 definition of ESVs would not need to be revised to eliminate any outdated cross-references because it does not now contain any cross-references.

⁷ We note that the rules do not currently provide for ESIM operations in the extended C-band.

coordinate their operations with operators of nearby space stations. 25.138(a) contains similar provisions for FSS earth stations transmitting to GSO FSS space stations in the conventional Ka-band. To improve the organizational coherence of part 25, we propose to move these provisions of § 25.138(a) into § 25.218(i),⁸ and to extend the applicability of § 25.218 to conventional Ka-band GSO FSS earth stations.⁹

Section 25.138(b) states that operation in the conventional Ka-band with off-axis e.i.r.p. density levels exceeding the limits in § 25.138(a) are subject to coordination under § 25.220. Current § 25.218(i) contains a similar coordination provision governing operations in the conventional C-band, extended C-band, conventional Ku-band, and extended Ku-band. To clarify the rule in § 25.138(b), we propose to amend § 25.218(i) so that it lists all of the frequency bands included in the revised § 25.218(a).¹⁰

Section 25.138(f) states that space station operators may not transmit communications to or from user transceivers in the United States in the conventional Ka-band unless such communications are authorized under an FCC earth station license. We propose to make this a general requirement applicable to space station operators in all frequency bands, to clarify the language of the requirement, and to place this requirement in a new section, § 25.289. We propose that this requirement would be merged with § 25.287(d) that imposes the same condition for mobile transmitters or transceivers operating in some Mobile-Satellite Service frequencies. Section 25.287(d) could then be removed. The new rule would state: “The holder of an FCC blanket earth station license will be responsible for operation of any earth

⁸ Table 3 lists the paragraphs of section 25.138 and the corresponding paragraphs of proposed section 25.138(i). As a result of this insertion, we propose to renumber paragraph (i) to (j) in section 25.218.

⁹ We do not propose to include the space station pfd limit of section 25.138(a)(6) in section 25.218(i). In 2015, we recodified this limit in section 25.140(a)(3)(iii) but inadvertently failed to make the corresponding deletion to section 25.138. See *Comprehensive Review of Licensing and Operating Rules for Satellite Services*, IB Docket No. 12–267, Second Report and Order, 30 FCC Rcd 14713, 14755, para. 115 (2015) (2015 Second Report and Order). Including the limit in section 25.218(i) would perpetuate this inadvertent duplication. In contrast, deleting section 25.138(a)(6) and leaving current section 25.140(a)(3)(iii) intact will conform the rules to the form intended by the Commission’s action in the 2015 Second Report and Order.

¹⁰ We propose to redesignate current section 25.218(i) as section 25.218(j), as a result of our proposed insertion of the conventional Ka-band off-axis e.i.r.p. density limits currently contained in section 25.138(a) into section 25.218 as paragraph (i).

station under that license. Operators of satellite networks and systems must not transmit communications to or from such earth stations in the United States unless such communications are authorized under a service contract with the holder of a pertinent FCC blanket earth station license or under a service contract with another party with authority for such operation delegated by such a blanket licensee.”

We propose applying § 25.218 to all applications for fixed and temporary-fixed FSS earth stations transmitting to geostationary space stations in the conventional or extended C-band or Ku-band, or the conventional Ka-band, and to all applications for ESIMs in the conventional C-, Ku-, or Ka-band, except for applications proposing transmission of analog command signals at a band edge with bandwidths greater than 1 MHz or transmission of any other type of analog signals with bandwidths greater than 200 kHz. We propose modifying § 25.218(a)(1) accordingly.¹¹

Reorganizing and Streamlining the Technical and Operational and Coordination Requirements of §§ 25.221, 25.222, 25.226 and 25.227 Into § 25.228

We propose to bring all the technical, operational and coordination requirements for blanket licensed-ESV, VMES and ESAA earth stations that are linked to GSO FSS space stations—currently arrayed in §§ 25.221, 25.222, 25.226 and 25.227 of our current rules—under one new umbrella rule section applicable to ESIMs generally: Proposed § 25.228. This current array of ESIM rules would then be eliminated entirely, as all the requirements therein would either be subsumed by new § 25.228, or will be consolidated in certain other provisions described below.¹² While we do not think there will be any significant costs associated with reorganizing and consolidating these rule sections, we invite comments that will help estimate costs and benefits of the proposals. Under the rules as they now stand, the technical and operational rules for each of these types of ESIMs can be found primarily in the paragraph (a) provisions of §§ 25.221, 25.222, 25.226 and 25.227, while the coordination requirements are primarily located in the paragraph (c) and (d)

¹¹ We propose to retain the exception for analog video earth station applications.

¹² The discussion that follows lays out those instances where ESIM requirements now appearing in this array of four ESIM rule sections would be consolidated in a rule other than the proposed section 25.228, or where consolidation has effectively occurred because the requirement in question is duplicated in another existing rule.

provisions of these same sections. Broadly speaking, some of these rules are the same regardless of the type of ESIM, while others vary depending on the vehicle type and frequency band at issue. Accordingly, in crafting § 25.228 as an umbrella regulation that includes both the provisions that apply to all ESIMs and those that are tailored to specific circumstances, we propose to group ESIM requirements into the following categories, the details of which we discuss below: (1) Core rules (*i.e.* those applicable to all ESIMs); (2) vehicle-type specific rules that apply across multiple frequency bands; (3) frequency-band specific status and coordination rules; and (4) vehicle-type specific rules that apply to a single frequency band.

Core Rules

In this NPRM, we seek comment on streamlining the core ESIMs rules. In this context, core rules refer to those rules that are currently the same for each type of ESIM and those that we propose to amend in order to create such uniformity. These rules are related to the Commission's GSO FSS two-degree orbital spacing policy, control of operating ESIMs, operational reports, and electromagnetic radiation safety. With regard to revising requirements in order to create additional uniformity, we propose substantive changes to some of the rules to eliminate unnecessary variations across types of ESIMs, eliminate unnecessary duplication of rules across different rule sections, and eliminate rules that are better served by reliance on other sections of the Commission's rules. Specifically, we propose substantive changes to the following areas of our ESIM rules: (1) Antenna pointing accuracy requirements, (2) e.i.r.p. density limits, (3) the self-monitoring (self-diagnostics) requirement, (4) the network control and monitoring center requirement, (5) logging requirements, and (6) the installation requirements related to radiation safety.

Overview of Earth Station Licensing Rules. The licensing rules in part 25 for FSS earth stations transmitting digital emissions provide two main options for obtaining a license for an earth station at a fixed location. The first option is to demonstrate compliance with default limits on emissions in directions other than toward the target satellite, which are referred to as off-axis e.i.r.p. density limits.¹³ These limits were developed to implement the Commission's GSO FSS

space station two-degree orbital spacing policy. They ensure earth station compatibility with networks using adjacent satellites in a two-degree orbital spacing environment by controlling the level of emissions from an earth station that can be transmitted toward adjacent satellite orbital locations. The second option is to demonstrate that the operations of the earth stations in the satellite network have been coordinated with operators of networks using adjacent satellites that would be affected by emissions of the earth stations that exceed the default off-axis e.i.r.p. density limits, under the coordination requirements of § 25.220. Under the first option, there are two alternatives for showing compliance. One alternative is to demonstrate that the earth station antenna gain pattern comports with the off-axis gain limits in § 25.209, and that the antenna input power density comports with limits in § 25.212. However, this alternative is not currently available for ESV, VMES, or ESAA applications. The other alternative is to demonstrate that the off-axis e.i.r.p. density of the earth station emissions comports with the applicable off-axis e.i.r.p. density limits. There are provisions very similar to this alternative for ESV, VMES, and ESAA applications. In the following paragraphs, we propose to continue to make both options for obtaining a license available for ESIMs while changing our rules to allow ESIM applicants to use both alternatives for showing compliance under the first option.

Antenna Pointing Accuracy Requirement. The Commission's current rules for licensing ESVs, VMESs, and ESAAs all contain antenna pointing accuracy requirements. These requirements were based on the premise that highly directional earth station antennas mounted on moving platforms will have to accurately track the target satellite to maintain communications with that satellite and avoid interfering with reception of signals by adjacent satellites. The original ESV rules adopted in 2005 contained the same definition of off-axis angle, which the Commission called θ (theta) that was used by the ITU in Resolution 902. According to this definition, θ is measured from the axis of the main lobe of the ESV antenna. In the 2009 *ESV Reconsideration Order*, however, the Commission changed the definition of θ to be consistent with a definition adopted for fixed earth stations that it adopted in the *Part 25 Streamlining 8th R&O*. In the definition of θ adopted in 2009, the off-axis angle is measured

with respect to a line between the focal point of the earth station antenna and the location of the target satellite. This definition of θ anchors one end of the reference line from which θ is measured to the location of the target satellite. For a GSO FSS satellite, which is typically authorized with a ± 0.05 degree stationkeeping accuracy requirement, the reference line thus remains within 0.05 degrees of the line from the earth station to the assigned orbital location of the target satellite. In contrast, under the 2005 off-axis angle definition, when the axis of the main lobe of the earth station antenna moves, off-axis e.i.r.p. density limits tied to that axis would apply to directions that also move around in space. The 2009 definition of θ is now contained in the *ESV, VMES, and ESAA* rules in §§ 25.221, 25.222, 25.226, and 25.227.¹⁴ This definition of θ obviates the need for an antenna pointing accuracy requirement, because the limit on off-axis e.i.r.p. toward adjacent satellites is fixed regardless of the direction in which the earth station antenna is pointed.¹⁵ Therefore, the ESIM rules we propose here eliminate the antenna pointing accuracy requirement. This will afford ESIM operators more flexibility, because they can meet the off-axis e.i.r.p. density limits either by maintaining accurate antenna pointing or by reducing the radiated off-axis e.i.r.p. density when the antenna is mispointed. We seek comment on this proposal.

Off-Axis E.I.R.P. Density Limits. Section 25.218, the off-axis e.i.r.p. density limits rule, currently only applies to applications for GSO FSS earth stations at fixed locations, and

¹⁴ The definition of theta was revised by the 2015 *Second Report and Order*. The definition in section 25.221, 25.222, 25.226, and 25.227 paragraph (a)(1)(i)(A) formerly read "theta (θ) is the angle in degrees from the line connecting the focal point of the antenna to the orbital location of the target satellite". The minor rewording of the definition takes into account the fact that not all earth stations use feedhorn-reflector type antennas with focal points, and the fact that earth station antennas pointed toward GSO FSS satellites are usually pointed to the assigned location of the satellite, and do not track the actual position of the target satellite at any given time. The same definition of theta is now used in section 25.209, 47 CFR 25.209.

¹⁵ This is the same as the approach taken by the ITU in Resolution 156 (WRC-15), which prescribes the operating conditions for ESIMs communicating with FSS space stations in the 19.7–20.2 GHz and 29.5–30 GHz frequency bands. In that resolution, the off-axis angle theta is defined as the angle "from the vector from the earth station antenna to the associated satellite". See *Final Acts of WRC-15* at 248. Resolution 156 does not contain any antenna pointing accuracy requirements, because its off-axis e.i.r.p. density limits, like those in section 25.218 of the Commission's rules, are independent of the direction the ESIM antenna is pointed. We propose to add footnotes 5.484B and 5.527A, which relate to ESIM use and were adopted in WRC-15, to the international table.

¹³ The off-axis e.i.r.p. density limits are currently set forth in 47 CFR 25.218 for the C- and Ku-bands and in 47 CFR 25.138 for the Ka-band.

specifically excepts applications for ESVs, VMESs, and ESAAs. The numerical e.i.r.p. density limits in § 25.218 over each specified angular range are the same as those for the same frequency bands in §§ 25.221, 25.222, 25.226, and 25.227. Furthermore, the definition of θ in § 25.218 is the same as the one in §§ 25.221, 25.222, 25.226, and 25.227.¹⁶ Thus, rather than duplicating the off-axis e.i.r.p. density limits in the proposed ESIMs rules, we propose to cross-reference the off-axis e.i.r.p. density limits that already exist in § 25.218. More specifically, paragraphs (a)(1)(i) of §§ 25.221, 25.222, 25.226, and 25.227 prescribe off-axis e.i.r.p. spectral density limits for C- and Ku-band ESVs, Ku-band VMESs, and Ku-band ESAAs respectively, for applicants proposing to comply with the Commission's off-axis e.i.r.p. density limits. We propose to replace these requirements with a requirement for ESIM licensees to comply with the applicable off-axis e.i.r.p. density limits in § 25.218. To extend the ESIMs rules to cover conventional Ka-band ESIMs, we propose that this requirement include the conventional Ka-band limits currently in § 25.138, which we propose to merge into § 25.218.

In the *2015 Second Report and Order*, the Commission adopted the same definition of θ as described in the preceding paragraph in § 25.209, the off-axis antenna gain limits rule. Moreover, the off-axis e.i.r.p. density limits in § 25.218, and those resulting from the combination of antenna input power density limits in § 25.212 and antenna off-axis gain limits in § 25.209 are the same as the off-axis e.i.r.p. density limits in §§ 25.221, 25.222, 25.226, and 25.227. We thus propose to allow ESIM applicants the option of certifying compliance with the antenna pattern requirements of § 25.209 and the antenna input power density requirements of § 25.212, in lieu of the off-axis e.i.r.p. density limits in § 25.218. We seek comment on this proposal.

Shutdown Requirements. Paragraphs (a)(1)(iii) of §§ 25.221, 25.222, 25.226, and 25.227 set forth cessation of emission requirements for ESV, VMES, and ESAA transmitters, based on detection of antenna mispointing. We propose to replace these requirements with provisions in paragraphs (b) and (c) of § 25.228 requiring cessation or reduction of emissions in the event that the ESIM or its associated network control and monitoring system detects

that the ESIM has exceeded or is about to exceed the off-axis e.i.r.p. density limits. We also propose to include a requirement in the ESIM application rules in § 25.115 to demonstrate how that requirement will be met.

Paragraphs (a)(2) of §§ 25.221, 25.222, 25.226, and 25.227 set forth requirements for ESV, VMES, and ESAA systems that operate with e.i.r.p. spectral density levels above the levels provided in paragraph (a)(1) or (a)(3) of those sections. These provisions require such ESIM systems to operate in accordance with the off-axis e.i.r.p. density levels that have been coordinated by the operator of their target satellite(s) with the operators of adjacent satellites. The underlying purpose of these paragraphs can be satisfied by requiring ESIM operators that plan to operate their systems with off-axis e.i.r.p. density levels above the limits currently codified in §§ 25.138 and 25.218 to have their operations coordinated by their target satellite operator(s) pursuant to § 25.220. Specifically, we propose to include a technical and operational requirement in § 25.228(a) that would replace the current provisions in §§ 25.211, 25.222, 25.226, and 25.227. Paragraphs (a)(2) of §§ 25.221, 25.222, 25.226, and 25.227 also prescribe automatic cessation or reduction of emissions requirements in the event that an individual ESIM or multiple ESIMs using variable power density exceed the coordinated e.i.r.p. density levels. We proposed moving those requirements to § 25.228, paragraphs (b) and (c), as discussed in paragraph 25 *supra*.

The provisions in paragraphs (a)(3) and (a)(3)(i) of §§ 25.221, 25.222, 25.226, and 25.227 limit the aggregate off-axis e.i.r.p. density levels for ESIM systems that use variable power-density control of individual simultaneously transmitting co-frequency earth stations in a target satellite receiving beam. The *2015 Second Report and Order* adopted new provisions in § 25.218, subparagraph (4) of paragraphs (d) (C-band) and (f) (conventional Ku-band) and in § 25.138(a)(5) that are substantially the same as the provisions applying to ESIMs in paragraph (a)(3) and (a)(3)(i) of §§ 25.221, 25.222, 25.226, and 25.227, thus warranting consolidation of these provisions. As discussed above, we have therefore proposed to make § 25.218 applicable to ESIMs, and to merge the conventional Ka-band off-axis e.i.r.p. density limits in § 25.138 into § 25.218. Accordingly, we do not propose to include a separate requirement for this mode of ESIM system operation in § 25.228. We do, however, propose to codify cessation or

reduction of emissions provisions similar to those in paragraphs (a)(3)(ii) and (iii) of §§ 25.221, 25.222, 25.226, and 25.227 in § 25.228 paragraphs (b) and (c), as we have proposed for the similar provisions in paragraphs (a)(1)(iii) and (a)(2) above.

Contention Protocols. Paragraphs (a)(4) of §§ 25.226 and 25.227 require VMES and ESAA applicants that plan to use a contention protocol in the uplink transmissions of their ESIMs to certify that their use of the contention protocol is reasonable. We propose not to include such a requirement in § 25.228, because § 25.115(i) already contains this requirement, and applies by its terms to applications for ESIMs.¹⁷

Point of Contact in the United States. Paragraphs (a)(4) of §§ 25.221 and 25.222 require that there be a point of contact in the United States with the authority and ability to cease all emissions from ESVs. Paragraphs (a)(5) of §§ 25.226 and 25.227 contain a similar requirement. We propose to consolidate such requirements in the platform-specific rules for ESVs, VMESs, and ESAAs in § 25.228.¹⁸

Data Logging Requirement. Paragraphs (a)(5) of §§ 25.221 and 25.222 and paragraphs (a)(6) of §§ 25.226 and 227 require that C- and Ku-band ESV operators and Ku-band VMES and ESAA operators log the vehicle location, transmit frequency, channel bandwidth, and target satellite of ESIM transmissions. The required maximum recording intervals are 20 minutes for ESVs, 5 minutes for VMESs, and 1 minute for ESAAs. The ESIM operator must make this data available to a frequency coordinator, fixed system operator, FSS operator, National Telecommunications and Information Administration (NTIA) (for Ku-band ESIMs only), or the Commission within 24 hours after a request. The Commission has never requested these data from an ESIM operator, and we are unaware of any other entity submitting requests for such data. We seek comment on whether the logging requirement is still necessary and useful, and if so, whether the existing recording intervals should be maintained or changed. We request that parties who wish to assert that this requirement should be maintained provide specific examples of instances in which the logging data has been requested from ESIM operators and how

¹⁷ The current duplication would be eliminated by deleting sections 25.226 and 25.227 in their entirety, as proposed.

¹⁸ A list of the existing paragraphs in section 25.221, 25.222, 25.226, and 25.227 and the corresponding proposed paragraphs in section 25.228 appears in Table 5.

¹⁶ The Commission adopted this definition of θ in section 25.218 in the 2008 *Part 25 Streamlining 8th R&O*.

those data have been used to identify a source of interference.

Remote Monitoring and Control Requirement. § 25.227(a)(10) provides the requirements for remote terminal monitoring and control of ESAs. Specifically, the current rule states that each remote terminal must be monitored and controlled by a network control and monitoring center (NCMC) or equivalent facility. Each remote terminal must comply with “disable transmission” commands from the NCMC. In addition, the NCMC must monitor the operation of each ESAA terminal in its network, and transmit a “disable transmission” command to a remote terminal that malfunctions in such a way as to cause unacceptable interference to another radiocommunication station. This provision achieves the same goal of ensuring the ability to remotely monitor and disable earth stations as the requirements included in paragraphs (a)(2)(iii) and (a)(3)(iii) of §§ 25.221, 25.222, 25.226, and 25.227. We propose to incorporate a remote monitoring and control requirement in our proposed § 25.228(c), and make it applicable to all types of ESIMs.

Self-Monitoring Requirement. Section 25.227(a)(11) requires that remote ESAA terminals be self-monitoring and capable of automatically ceasing transmission. Section 25.227 paragraphs (a)(1)(iii), (a)(2)(ii), and (a)(3)(ii), and corresponding paragraphs in §§ 25.221, 25.222, and 25.226 contain similar self-monitoring requirements. We propose to make this requirement generally applicable to all types of ESIMs and to codify it in § 25.228(b).

Cessation of Uplink Transmissions Upon Loss of Downlink Signal. Section 25.226(a)(9) states that each VMES terminal must automatically cease transmitting upon the loss of synchronization or within 5 seconds upon loss of reception of the satellite downlink signal, whichever is the shorter timeframe. Similarly, § 25.227(a)(9) states that each ESAA terminal must automatically cease transmitting within 100 milliseconds upon loss of reception of the satellite downlink signal or when it detects that unintended satellite tracking has happened or is about to happen. The recently adopted § 25.271(g) states: “Licensees of transmitting earth stations are prohibited from using remote earth stations in their networks that are not designed to stop transmission when synchronization to signals from the target satellite fails.” We propose eliminating the rules specifically applicable to VMES and ESAA as redundant, because § 25.271(g) applies by its terms to all types of ESIMs and

loss of synchronization to signals from the target satellite is general enough to cover all situations of interest.

ESIM Installation Requirement for Radiation Hazard Mitigation. The VMES and ESAA application requirements in §§ 25.226(b)(8) and 25.227(b)(8) respectively include a requirement that would be more appropriately located in the technical and operational rules than in the application rules. Specifically, §§ 25.226(b)(8) and 25.227(b)(8) require, in part, that all VMES and ESAA licensees ensure installation of VMES or ESAA terminals on vehicles by qualified installers who have an understanding of the antenna’s radiation environment and use those measures best suited to maximize protection of the general public and persons operating the vehicle and equipment. The rules require that a VMES or ESAA terminal exhibiting radiation exposure levels exceeding 1.0 mW/cm² in accessible areas, such as at the exterior surface of the radome, must have a label attached to the surface of the terminal warning about the radiation hazard and must include thereon a diagram showing the regions around the terminal where the radiation levels could exceed 1.0 mW/cm². We propose extending this requirement to ESVs operating in the C-, Ku- and Ka-bands, because the same basic rationale for the VMES and ESAA requirement appears to apply equally to ESVs—*i.e.*, to ensure protection of members of the public (including those manning the vessels and operating the equipment), who may be exposed to hazardous radiation environments on vessels as well as on or in the vicinity of land vehicles and aircraft. Accordingly, we propose to consolidate the requirement that currently appears in the VMES and ESAA rules, extend this requirement to include ESVs, and move it into paragraph (d) of the proposed § 25.228. We also propose to cross-reference § 1.1310 Table 1 of the Commission’s rules, rather than specifying the maximum permitted radiation exposure level in § 25.228(d).

Vehicle-Type Specific Rules Applicable Across Multiple Frequency Bands

Part 25 of the Commission’s rules contain some rules for earth stations in motion that are specific to the particular type, *i.e.* ESVs, VMESs, or ESAs, across more than one frequency band. In the following section, we propose revisions and reorganization so that vehicle-specific requirements are minimized to the extent possible. Where retention of vehicle-specific requirements are necessary, we propose reorganization to codify the

requirements for each type of ESIM in the proposed § 25.228.

ESV Requirements

There are currently two rule sections that address specific requirements for ESV operators. Both of these sections were adopted to codify section 306 of the Communications Act, which provides that while section 301 of the Act (which contains the licensing requirement for radio communications) does not apply to persons transmitting from foreign ships that come within the jurisdiction of the United States, radio communications or signals from such ships are subject to Commission regulations designed to prevent interference.

Vessels of Foreign Registry. Paragraphs (a)(6) of §§ 25.221 and 25.222 require ESV operators licensed by the FCC communicating with ESVs on vessels registered outside the United States to maintain detailed information on each vessel’s country of registry and a point of contact within the foreign administration responsible for licensing the ESV. The purpose of this rule is to enable the Commission, if necessary, to contact the administration responsible for an ESV that causes interference to U.S. stations, pursuant to our mandate under section 306 of the Communications Act. Because these sections are statutorily based, we propose to retain this requirement in paragraph (e)(3) of our proposed new § 25.228.

ESV Hub Earth Stations. Paragraphs (a)(7) of §§ 25.221 and 25.222 require ESV operators to control ESVs using a hub earth station located in the United States, except that a U.S.-licensed ESV may operate under control of a hub earth station located outside the United States provided that the ESV operator maintains a point of contact in the United States that can make the ESV cease transmitting if necessary. This provision is similar to that in paragraph (a)(4) of §§ 25.221 and 25.222, except paragraph (a)(4) is focused on the remote ESV terminals, and paragraph (a)(7) is focused on the hub earth station with which the ESVs communicate. The purpose of this rule is to enable the Commission to prevent interference to U.S. and foreign stations. We propose to retain this requirement in paragraph (e)(1) of our proposed § 25.228. We also propose to update the language regarding ESV hub operators and hub earth stations for greater clarity. Specifically, in our revised rules, we propose to use the term “network control and monitoring center”

(NCMC)¹⁹ to better reflect the nature of the functions performed by such facilities.

VMES Requirements

There are currently no rules in part 25 of the Commission's rules that apply to VMES terminals in more than one frequency band. The VMES rules currently in part 25 only apply to Ku-band VMESs. With the goal of streamlining rules for all ESIM operators, we do not propose any VMES-specific rules that would apply across all frequency bands.

ESAA Requirements

Section 25.227(a)(12) provides that ESAA applicants that comply with the off-axis e.i.r.p. spectral-density limits in paragraph (a)(1)(i) of this section may request Permitted List authority. We propose to eliminate this rule section, because this flexibility is already afforded to ESV, VMES, and ESAA applicants by § 25.115(k)(1).

Section 25.227(a)(14) states that all ESAA terminals operating in U.S. airspace, whether on U.S.-registered civil aircraft or non-U.S.-registered civil aircraft, must be licensed by the Commission. All ESAA terminals on U.S.-registered civil aircraft operating outside of U.S. airspace must be licensed by the Commission, except as provided by section 303(t) of the Communications Act. We propose to keep this requirement and extend it to apply to all Ka-band ESAA terminals operated in U.S. airspace. We also propose moving this requirement into the proposed § 25.228(g)(2).

Section 25.227(a)(15) states that for ESAA systems operating over international waters, ESAA operators will certify that their target space station operators have confirmed that proposed ESAA operations are within coordinated parameters for adjacent satellites up to 6 degrees away on the geostationary arc. We do not propose to bring this requirement into the proposed ESIM rule section. In view of the provisions of § 25.140 and § 25.220, which apply to U.S. satellites and earth stations, and § 25.137, which also applies to foreign-licensed points of communication, we find these requirements are redundant, which redundancy will then be eliminated with our deletion of § 25.227 in its entirety.

We propose to move the requirements of § 25.227(a)(16) to new § 25.228(g)(3), with a minor revision in the first sentence. The first sentence of

§ 25.227(a)(16) currently provides that “[p]rior to operations within the foreign nation’s airspace, the ESAA operator will ascertain whether the relevant administration has operations that could be affected by ESAA terminals, and will determine whether that administration has adopted specific requirements concerning ESAA operations.” Specifically, we propose changing “will” to “must”. We also propose making the remaining sentences currently contained in § 25.227(a)(16) clearly imperative. As with several of the other Ku-band ESAA specific rules, we propose to apply this requirement to Ka-band ESAA operators.

Frequency-Band Specific Status and Coordination Rules

Currently, there are frequency-band specific rules for ESVs, VMESs and ESAAs in the conventional and extended Ku-bands.²⁰ We propose to eliminate some of these requirements, which are redundant with other provisions in part 25, with the exception of paragraphs (c) and (d) of §§ 25.222, 25.226, and 25.227.

Specifically, §§ 25.226(a)(8) and 25.227(a)(8) provide that in the relevant bands,²¹ VMES and ESAA terminals receive protection from interference caused by space stations other than the target space station only to the degree to which harmful interference would not be expected to be caused to a hypothetical earth station employing an antenna conforming to the reference patterns defined in §§ 25.209(a) and (b) and stationary at the location at which any interference occurred.²² This requirement is redundant with § 25.209(c)(1).²³ In view of this

²⁰ There are Commission rules for ESIMs operation in three bands: The conventional C-band and the conventional and extended Ku-bands. Under our proposed rules, ESIMs would also be able to operate in the conventional Ka-band.

²¹ Specifically, VMES terminal receiving in the 10.95–11.2 GHz (space-to-Earth), 11.45–11.7 GHz (space-to-Earth) and 11.7–12.2 GHz (space-to-Earth) bands, and ESAA terminal receiving in the 11.7–12.2 GHz (space-to-Earth) bands do not receive protection from interference.

²² Although the provision that the hypothetical earth station is stationary is not included in section 25.209(c), it is not relevant whether this earth station is stationary or not because the interference received by an earth station antenna is a function of the antenna gain pattern and the direction in which the antenna is pointed with respect to sources of interference, not whether the earth station is at a fixed location or in motion.

²³ Section 25.209(c)(1) currently states: “An earth station licensed for operation with an FSS space station or registered for reception of transmissions from such a space station pursuant to section 25.131(b) and (d) is not entitled to protection from interference from authorized operations of other stations that would not cause harmful interference to that earth station if it were using an antenna with receive-band gain patterns conforming to the levels specified in paragraphs (a) and (b) of this section.”

redundancy, we propose to eliminate the provisions in paragraphs (a)(8) of §§ 25.226 and 25.227.

Similarly, §§ 25.222(a)(8), 25.226(a)(7) and 25.227(a)(7) state that in the 10.95–11.2 GHz (space-to-Earth) and 11.45–11.7 GHz (space-to-Earth) frequency bands ESVs, VMESs and ESAAs must not claim protection from interference from any authorized terrestrial stations to which frequencies are either already assigned, or may be assigned in the future. These sections are redundant with footnote NG52 to § 2.106 of the Commission's rules.²⁴ In view of the redundancy of these provisions, we propose eliminating paragraph (a)(8) of § 25.222 and paragraph (a)(7) of §§ 25.226 and 25.227.

Additionally, there are two sets of coordination requirements for Ku-band ESIMs, which are contained in paragraphs (c) and (d) of §§ 25.222, 25.226 and 25.227. Paragraphs (c) in these rule sections address the coordination requirements related to the protection of the NASA Tracking and Data Relay Satellite System (TDRSS) in the 14.0–14.2 GHz frequency band. Paragraphs (d) address coordination requirements designed to protect the Radio Astronomy Service (RAS) in the 14.47–14.5 GHz frequency band. These rule paragraphs, while covering the same frequency bands and coordination requirements to protect TDRSS and RAS operations, are worded slightly differently in each section. We propose unifying language for the requirements for all ESIMs to be included in § 25.228(j).

Vehicle-Type Specific Rules Applicable to a Single Frequency Band

Part 25 includes rules that are particular to the type of ESIM in a specific frequency band. For example, C-band ESVs and Ku-band ESAAs have requirements that are unique to the combination of type of earth station and the particular frequency band in which it operates. The Commission has never adopted rules for C-band VMES and ESAA terminals, and we do not propose to do so here.

²⁴ Footnote NG52 states that: “Except as otherwise provided for herein, use of the bands 10.7–11.7 GHz (space-to-Earth) and 12.75–13.25 GHz (Earth-to-space) by geostationary satellites in the fixed-satellite service (FSS) must be limited to international systems, *i.e.*, other than domestic systems. In the sub-bands 10.95–11.2 GHz and 11.45–11.7 GHz, Earth Stations on Vessels (ESV), Vehicle-Mounted Earth Stations (VMES), and Earth Stations Aboard Aircraft (ESAA) as regulated under 47 CFR part 25 may be authorized for the reception of FSS emissions from geostationary satellites, subject to the condition that these earth stations must not claim protection from transmissions of non-Federal stations in the fixed service.”

¹⁹ We propose to add a definition of network control and monitoring center (NCMC) in section 25.103.

C-Band ESV Specific Requirements

Several requirements in § 25.221 address issues that are unique to ESVs operating in the C-band. We propose to retain most of these C-band ESV specific requirements. Specifically, we propose to retain paragraphs (a)(8), (a)(9), (a)(10), (a)(12), and (a)(13) as written and move them to the new § 25.228(h). Table 4 lists these paragraphs and the current sub-paragraphs and the corresponding sub-paragraphs of § 25.228(h) to which we propose to relocate them.

Section 25.221(a)(11) states that ESVs while in motion do not receive protection in the downlink band.²⁵ These rules were adopted in the 2005 *ESV Order* to protect FS and FSS providers in the C-band while providing maximum flexibility to ESV operators. We propose to move this requirement to § 25.228(h)(4), while upgrading the status of ESVs in the 3700–4200 MHz (space-to-Earth) frequency band by eliminating the provision in § 25.221(a)(11) that they may not claim protection from harmful interference from satellites transmitting in the 3700–4200 MHz (space-to-Earth) frequency band. We also propose to modify the second sentence of Non-Federal Government footnote NG180 of § 2.106, consistent with our proposed change to the text of the provision currently codified in § 25.221(a)(11).

Ku-Band ESAA Specific Requirements

Section 25.227(a)(13) sets out requirements for ESAA providers operating in the international airspace within line-of-sight of the territory of a foreign administration. We propose only minor changes in the language consistent with other ESIMs rules. The requirements would be moved to the proposed § 25.228(i).

Proposed Technical and Operational Requirements for Ka-band ESIMs

We do not propose any specific technical or operational requirements for ESVs, VMESs, or ESAAs operating in the conventional Ka-band. Such ESIMs would be authorized subject to the requirements in § 25.115(n), which includes the requirement to comply with the earth station off-axis e.i.r.p. density limits in proposed § 25.218(i), unless the ESIM operations are coordinated under § 25.220. This is similar to the current blanket-licensing provisions for conventional Ka-band

earth stations in § 25.138. Conventional Ka-band ESVs would be required to comply with the requirements in proposed § 25.228(e), conventional Ka-band VMESs would be required to comply with the requirement in proposed § 25.228(f), and conventional Ka-band ESAAs would be required to comply with the requirements in proposed § 25.228(g). We seek comment on any additional provisions that we should adopt for the operation of conventional Ka-band ESVs, VMESs, or ESAAs, such as minimum separation distances to protect the fixed and mobile services from ESV emissions, and/or power flux-density limits to protect the fixed and mobile services from ESAA emissions.

We propose to amend an existing footnote to the Table of Allocations to recognize the operation of ESIMs as an application of the FSS with primary status in the conventional Ka-band. We seek comment on our belief that ESIMs operating in the conventional Ka-band in accordance with our proposed rules would not pose more of a risk of interference to, nor require more protection from interference from other radiocommunication systems than other earth stations operating in the frequency band on a primary basis today.²⁶ The Commission has taken similar steps to clarify the primary status of C-band and Ku-band ESIMs. Specifically, we propose to amend footnote NG55, which authorizes ESV, VMES, and ESAA use in the Ku-band, to include a portion of the Ka-band and to use the term “ESIMs.” The amended footnote would state: “In the bands 11.7–12.2 GHz (space-to-Earth), 14.0–14.5 GHz (Earth-to-space), 18.3–18.8 GHz (space-to-Earth), 19.7–20.2 GHz (space-to-Earth), 28.35–28.6 GHz (Earth-to-space), and 29.25–30.0 GHz (Earth-to-space), Earth Stations in Motion (ESIMs), as regulated under 47 CFR part 25, are applications of the fixed-satellite service and may be authorized to communicate with geostationary satellites in the fixed-satellite service on a primary basis.”²⁷

Iridium has expressed concern with respect to ESIM operations in the band

²⁶ The Commission already blanket licenses ubiquitously-deployed fixed earth stations in the conventional Ka-band under section 25.138; under the proposed rules ESIMs would have to comply with regulations designed to ensure that they do not cause more interference than fixed earth stations.

²⁷ We also note that feeder links for the Iridium NGSO MSS satellite system are operated in the 29.1–29.3 GHz band. *See, e.g., Iridium Satellite LLC*, IBFS File No. SES-MOD-20060907-01680 (granted Mar. 29, 2007). ESIM applicants and licensees planning to conduct operations in the 29.25–29.3 GHz band would have to coordinate with Iridium under 47 CFR 25.203(h) and 25.258 prior to operating in those frequencies.

29.25–29.3 GHz.²⁸ Inmarsat, EchoStar, and Hughes, collectively, and ViaSat filed *ex parte* letters opposing Iridium on the grounds that blanket-licensed fixed earth stations are currently authorized in this band.²⁹ We seek comment on whether inclusion of the band 29.25–29.3 GHz would raise any new issues with respect to potential interference to NGSO FSS feeder links.

In addition, to the extent these proposed rule changes may facilitate increased deployment of ESIMs, we invite comment on whether the changes could unreasonably diminish future opportunities to introduce additional services into these bands or adjacent bands on a shared basis. We also seek comment on any possible effects that these proposed rules may have on existing or future services in adjacent frequency bands, such as Upper Microwave Flexible Use Service (UMFUS) operations in the 27.5–28.35 GHz frequency band.

ESIMs Application Requirements

The earth station license application requirements for ESVs, VMESs, and ESAAs, are currently contained in paragraph (b) of §§ 25.221, 25.222, 25.226, and 25.227. Application requirements for FSS earth station authorizations at fixed and temporary-fixed locations are in § 25.115. We propose to move the ESIM application requirements into § 25.115 for better integration of the rules. Specifically, the application requirements for a particular frequency band for all types of ESIM platforms³⁰ will be in paragraphs (l) (for C-band), (m) (for Ku-band), and (n) (for Ka-band) of § 25.115. The appropriate introductory text will be in the opening sub-paragraph of those three paragraphs. As such, the introductory paragraphs in §§ 25.221(b), 25.222(b), 25.226(b), and 25.227(b) become unnecessary.

Paragraphs (b)(1) of §§ 25.221, 25.222, 25.226, and 25.227 state that an ESIM

²⁸ *See* Letter from Joseph A. Godles, Attorney, Iridium Satellite LLC, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 17–95 (filed May 8, 2017). *See also* Letter from Joseph A. Godles, Attorney, Iridium Satellite LLC, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 17–95 (filed May 10, 2017); Letter from Joseph A. Godles, Attorney, Iridium Satellite LLC, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 17–95 (filed May 11, 2017).

²⁹ *See* Letter from Giselle Creeser, Director, Regulatory, M. Ethan Lucarelli, Director, Regulatory & Public Policy, Inmarsat, Inc., and Jennifer Manner, Senior Vice President, Regulatory Affairs, EchoStar Satellite Operating Corporation, Hughes Network Systems, LLC., to Marlene H. Dortch, Secretary, FCC, IB Docket No. 17–95 (filed May 11, 2017). *See also* Letter from John Janka and Elizabeth R. Park, Counsel, ViaSat Inc., to Marlene H. Dortch, Secretary, FCC, IB Docket No. 17–95 (filed May 11, 2017).

³⁰ *I.e.*, VMESs, ESVs, and ESAAs.

²⁵ Specifically, section 25.221(a)(11) currently states: “ESVs while in motion shall not claim protection from harmful interference from any authorized terrestrial stations or lawfully operating satellites to which frequencies are either already assigned, or may be assigned in the future in the 3700–4200 MHz (space-to-Earth) frequency band.”

applicant proposing to implement a transmitter under paragraph (a)(1) of these sections must provide the information required by § 25.115(g)(1). In the proposed rules, an ESIM applicant would follow the application procedures set out under the provisions in subparagraph (1) of §§ 25.115(l) through (n), and showings regarding antenna pointing accuracy would no longer be required.

An applicant under the current ESIM application requirements proposing to meet the 0.2 degree antenna pointing accuracy requirement must show how that will be accomplished.³¹ As discussed in paragraph 22 *supra*, we propose to eliminate the pointing accuracy requirement, because the off-axis angles in the e.i.r.p. density mask in § 25.218 and the antenna gain pattern mask in § 25.209 are both now defined based on the line from the earth station to the target satellite, not from the axis of the main lobe of the antenna pattern. In the proposed rules, the applicant would have to show how it will detect exceedance of the off-axis e.i.r.p. density mask and reduce power or shut down its transmitter, pursuant to subparagraph (3)(i) of §§ 25.115(l) through (n).

Further, in the existing ESIM rules, an applicant proposing to operate with a maximum pointing error greater than 0.2 degrees must declare its maximum pointing error and show that at the maximum mispointing, the e.i.r.p. density limits are still met. Again, because we are proposing to eliminate the antenna pointing accuracy requirement, the proposed rules will provide applicants two options to qualify for a license: Either comply with the off-axis e.i.r.p. density limits, and provide the information required by §§ 25.115(l)–(n)(1), or coordinate, and provide the information required by §§ 25.115(l)–(n)(2).

Additionally, because we propose to eliminate the antenna pointing accuracy requirement, we propose to eliminate the pointing accuracy certification requirements of §§ 25.221(b)(1)(iii), 25.222(b)(1)(iii), 25.226(b)(1)(iii), and 25.227(b)(1)(iii)(A) and (B). Similarly, we propose to eliminate the maximum mispointing declaration requirements in paragraphs (b)(1)(iv)(A) and the cessation of transmissions upon mispointing demonstration requirements in paragraphs (b)(1)(iv)(B) in §§ 25.221, 25.222, 25.226, and 25.227.

Paragraphs (b)(2), (b)(2)(i) and (b)(2)(ii) of §§ 25.221, 25.222, 25.226, and 25.227 state that an applicant

proposing to operate with off-axis e.i.r.p. density in excess of the levels in paragraph (a)(1)(i) or (a)(3)(i) of these sections must provide the off-axis e.i.r.p. density showing required by § 25.115(g)(1), and the coordination certifications required by § 25.220(d). In the proposed rules, such an applicant would apply under the provisions in subparagraph (2) of §§ 25.115(l)–(n), which would contain substantially the same requirements for exhibits to its earth station application.

Paragraphs (b)(2)(iii) and (b)(2)(iv) of §§ 25.221, 25.222, 25.226, and 25.227 require detailed showings that each ESAA transmitter in the system will automatically cease or reduce emissions within 100 milliseconds after generating e.i.r.p. density exceeding the applicable limits. In the proposed rules in §§ 25.115(l)–(n)(3)(i), the applicant would have to show how the transmitter will detect exceedance of the off-axis e.i.r.p. density mask and reduce the power of or shut down one or more transmitters within 100 milliseconds of receiving a command to do so from the system's network control and monitoring center, if the aggregate off-axis e.i.r.p. spectral-densities of the transmitter or transmitters exceed the relevant off-axis e.i.r.p. spectral-density limits.

Section 25.221(b)(3)(v) states that certification that the ESV system will operate in compliance with the power limits in § 25.204(h) is required with an application for a C-band ESV. We propose to eliminate this requirement, which we believe is no longer necessary, because we do not require applicants to certify that they will comply with every part 25 rule, and we typically include a licensing condition stating this requirement in ESV license documents.³²

We propose to incorporate the requirement to provide the off-axis e.i.r.p. density data currently contained in subparagraphs (b)(3)(i) of §§ 25.221, 25.222, 25.226, and 25.227 in subparagraphs (1) and (2) of proposed §§ 25.115(l)–(n). In addition, we propose to incorporate the requirement currently contained in subparagraphs (b)(3)(iii) of §§ 25.221, 25.222, 25.226, and 25.227 to show that individual ESIM terminal is self-monitoring and capable of automatically ceasing or reducing emissions within 100 milliseconds if the ESIM transmitter exceeds the relevant off-axis e.i.r.p. spectral-density limits in subparagraphs (3)(i) of §§ 25.115(l)–(n).

We also propose to incorporate in those sub-paragraphs the requirement currently contained in subparagraphs (b)(3)(iv) of §§ 25.221, 25.222, 25.226, and 25.227 to show that one or more transmitters in ESIM systems using variable-power-density control of individual ESIM transmitters are capable of automatically ceasing or reducing emissions within 100 milliseconds of receiving a command to do so from the system's network control and monitoring center, if the aggregate off-axis e.i.r.p. spectral-densities of the transmitter or transmitters exceed the relevant off-axis e.i.r.p. spectral-density limits. We invite comment on whether there should be a requirement that the network control and monitoring center be capable of detecting that the aggregate off-axis e.i.r.p. density limits are being exceeded within a specific time limit, and if so, what that time limit should be.

Paragraphs (b)(5) of §§ 25.226 and 25.227 state that any VMES or ESAA applicant filing for a VMES or ESAA terminal or system and planning to use a contention protocol must include in its application a certification that its contention protocol use will be reasonable, in compliance with the requirements of paragraph (a)(4) of those sections. This requirement is substantially the same as the requirement in § 25.115(i), which we construe as applying to applications for ESIMs. Therefore, we do not propose duplicating the language from §§ 25.226(b)(5) and 25.227(b)(5) in the ESIM rules we propose here.

Paragraphs (b)(8) of §§ 25.226 and 25.227 also state that VMES and ESAA applicants must submit a radio frequency hazard analysis determining via calculation, simulation, or field measurement, whether ESAA terminals, or classes of terminals, will produce power densities that will exceed the Commission's radio frequency exposure criteria. Section 1.1307(b) of the Commission's rules requires applicants to prepare an Environmental Assessment if a transmitter would cause human exposure to levels of radiofrequency radiation in excess of the Maximum Permissible Exposure limits in 47 CFR 1.1310 Table 1. This rule also requires earth station applications to contain a statement confirming compliance with those limits. Thus we propose not to retain these provisions in paragraphs (b)(8) of §§ 25.226 and 25.227, which are unnecessary in view of the requirements in § 1.1307(b). Paragraphs (b)(7) of §§ 25.221 and 25.222 and § 25.226(b)(9) state that except for ESV or VMES systems operating pursuant to paragraph

³¹ See paragraphs (b)(1)(iii) of sections 25.221, 25.222, 25.226, and 25.227.

³² We propose, however, to retain a technical and operational requirement to meet the power limits currently in section 25.204(h), which we propose to redesignate as section 25.228(h)(7).

(a)(2) of those sections, which are systems that propose to exceed the prescribed off-axis e.i.r.p. density limits, systems authorized pursuant to those sections will be eligible for a license that lists Permitted List as an authorized point of communication. We propose to delete this provision as duplicative of the provision that already exists in § 25.115(k)(1), which we construe as applicable to ESIM applications.

Currently, paragraphs (b)(7) of §§ 25.226 and 25.227 require that any VMES or ESAA applicant must include in its application a certification that it will comply with the requirements of paragraphs (a)(6) of those sections, and paragraphs (a)(9), (a)(10), and (a)(11) of § 25.227. We invite comment as to whether the certification requirement serves a useful purpose, or whether we should eliminate it, because Commission licensees are required to comply with all applicable Commission rules.

Sections 25.226(b)(8) states that all VMES applicants must demonstrate that their VMES terminals are capable of automatically ceasing transmissions upon the loss of synchronization or within 5 seconds upon loss of reception of the satellite downlink signal, whichever is the shorter timeframe. § 25.271(g) requires that licensees of transmitting earth stations are prohibited from using remote earth stations in their networks that are not designed to stop transmission when synchronization to signals from the target satellite fails. We propose to eliminate the provision in § 25.226(b)(8) as redundant.

We propose to retain the requirements in paragraphs (b)(4) of §§ 25.221, 25.222, 25.222, 25.226, and 25.227,³³ in paragraphs (b)(5) of §§ 25.221 and 25.222 and (b)(6) of §§ 25.226 and 25.227,³⁴ and in paragraphs (b)(6) of §§ 25.221 and 25.222 and (b)(8) of §§ 25.226 and 25.227,³⁵ and move those requirements into paragraphs (l)–(n) of § 25.115. Table 5 shows how these paragraphs would be redesignated. We seek comment on these proposals.

Merging Sections 25.130 and 25.131 Into Section 25.115

We propose to move the requirements in § 25.130, with minor revisions, into

§ 25.115(a)(5) through (10). In addition to the minor changes, the last sentence of § 25.130(a) currently states that “applicants that are not required to submit applications on Form 312EZ” must submit the information in subparagraphs (1) through (5) of this paragraph as an attachment to their applications. Because the use of Form 312EZ is not mandatory, but just an option available to applicants, we propose to change the word “required” to “permitted”. We would then reserve § 25.130. Cross-references to this section would be redirected to the appropriate paragraphs in § 25.115.

Currently, § 25.131 covers the application requirements for receive-only earth stations. We propose to move all of these requirements, with minor revisions, into § 25.115(b).³⁶ We would then reserve § 25.131. Cross-references to this section would be redirected to the appropriate paragraphs in § 25.115.

Other Miscellaneous Changes to Section 25.115

We propose to remove and reserve § 25.115(a)(4), which currently contains instructions regarding electronically filing. We propose to incorporate this language in § 25.115(a)(1) instead.

We note that § 25.115(c)(1) retains language differentiating between domestic and international services. Because that distinction was eliminated in the *DISCO II* proceedings, we propose to eliminate the vestige in this rule.

Currently, § 25.115(k)(1) states that applicants for Fixed-Satellite Service earth stations that qualify for routine processing in the conventional C-band, the conventional Ku-band, and in portions of the extended Ku-band, may designate the Permitted Space Station List as a point of communication.³⁷ We propose to revise the references within § 25.115(k)(1) to §§ 25.221, 25.226, and 25.227 to refer instead to the proposed paragraphs (l) through (n) of § 25.115, consistent with the unifying of the application requirements into § 25.115.

Similarly, we propose changes to § 25.115(k)(2) that do not substantively alter the requirements of that section. Specifically, we propose to adopt the following revised language: Notwithstanding paragraph (k)(1) of this section, an earth station that would receive signals in the 17.8–20.2 GHz

band may not communicate with a space station on the Permitted Space Station List in that band until the space station operator has completed coordination under footnote US334 to § 2.106 of this chapter.

Changes Required in Additional Sections of the Commission’s Rules: Sections 25.133, 25.140, 25.202, 25.204, 25.209, and 25.258 and Notes to the Table of Allocations, Section 2.106

We propose several additional changes in other sections of part 25 to harmonize the various rule sections involving ESIMs.

Section 25.133(d) contains a cross-reference to § 25.131, the relevant portions of which we propose to move to § 25.115(b). We propose to update this cross-reference.

Section 25.140(a)(3)(iii) contains a cross-reference to § 25.138(a). We propose to update this cross-reference to point to § 25.218(i), which would contain the off-axis e.i.r.p. density limits currently contained in § 25.138(a).

We propose revising § 25.202(a)(8) to eliminate the references to the individual ESIM sections, §§ 25.221, 25.222, 25.226 and 25.227, which we propose to eliminate.

Section 25.204 contains limits on the e.i.r.p. and e.i.r.p. density that ESVs, VMESs, and ESAAs may transmit toward the horizon. To improve the organizational coherence of the ESIMs rules, we propose to relocate those requirements to § 25.228. Specifically, we propose to relocate the requirements in § 25.204(h) to § 25.228(h)(7), and to consolidate the requirements in paragraphs (i)–(k) of § 25.204 into § 25.228(j)(2).³⁸

As previously noted, § 25.209(c)(1) cross-references §§ 25.130 and 25.131. We propose to update these cross-references to refer to §§ 25.115(b)(2) and (4), where the requirements would be located.

Section 25.209(f) states that an earth station with an antenna not conforming to relevant standards in paragraphs (a) and (b) of that section will be authorized only if the applicant demonstrates that the antenna will not cause unacceptable interference. In order to reflect the other proposed changes for ESIMs, we propose eliminating the references to the rule sections currently containing the ESIMs rules within that paragraph. We further propose revising the reference to §§ 25.138, 25.221, 25.222, 25.226, and 25.227 to refer instead to § 25.218, and making other clarifying changes to § 25.209(f).

³⁸ A list of the existing paragraphs in section 25.204 and the corresponding proposed paragraphs in section 25.228 appears in Table 6.

³³ Paragraphs (b)(4) of sections 25.221, 25.222, 25.222, 25.226, and 25.227 contain the requirement to identify the area(s) of operation of the ESIM terminals.

³⁴ Paragraphs (b)(5) of sections 25.221 and 25.222 and (b)(6) of sections 25.226 and 25.227 contain the point-of-contact identification requirement.

³⁵ Paragraphs (b)(6) of sections 25.221 and 25.222 and (b)(8) of sections 25.226 and 25.227 contain the requirement to provide a radiation safety hazard analysis.

³⁶ A list of the existing paragraphs in section 25.131 and the corresponding proposed paragraphs in section 25.115 appears in Table 2.

³⁷ These applications include ESV applications filed pursuant to sections 25.222(a)(1) or (a)(3), VMES applications filed pursuant to sections 25.226(a)(1) or (a)(3), and ESAA applications filed pursuant to sections 25.227(a)(1) or (a)(3). See 47 CFR 25.222(a)(1) and (a)(3), 25.226(a)(1) and (a)(3), and 25.227(a)(1) and (a)(3).

Section 25.258(b) states that operation of ubiquitously deployed GSO FSS earth stations in the 29.25–29.5 GHz frequency band shall conform to the rules contained in § 25.138. Consistent with our proposed relocation of the requirements of § 25.138 to § 25.218(i), we propose to update this cross-reference to point to the latter section.

Footnote NG52 of the Table of Frequency Allocations authorizes ESVs, VMESs, and ESAA in portions of the Ku-band. To be consistent with the terminology used in the proposed revision of footnote NG55, we propose to modify this footnote to refer to ESIMs instead of ESVs, VMESs, and ESAA.

Footnote US133 of the Table of Frequency Allocations, § 2.106, contains cross-references to sub-paragraphs of §§ 25.226 and 25.227, which we propose to eliminate. We propose to update those cross-references to point to the appropriate sub-paragraphs of proposed § 25.228.

Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in this document. We request written public comments on this IRFA. Commenters must identify their comments as responses to the IRFA and must file the comments by the deadlines for comments on the proposed rule provided above in Section V.D. The Commission will send a copy of the proposed rule, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, the proposed rule and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

The Notice of Proposed Rulemaking seeks comment on a variety of proposals relating to part 25 of the Commission's rules, which governs licensing and operation of space stations and earth stations for the provision of satellite communication services. Adoption of the proposed changes would, among other things, provide additional operational flexibility to applicants for Earth Stations on Vessels, Vehicle-Mounted Earth Stations, and Earth Stations Aboard Aircraft, collectively referred to as Earth Stations in Motion (ESIMs), simplify requirements for applications for routine licensing of ESIMs, expand the availability of routine licensing of ESIMs to include

the 18.3–18.8 GHz, 19.7–20.2 GHz, 28.35–28.6 GHz, and 29.25–30 GHz frequency bands, and consolidate and harmonize the application, technical, and operational rules for ESIMs. The NPRM proposes several changes to part 25 of the rules. Specifically, it proposes to:

(1) Expand the frequency bands for which routine licensing of ESIMs is available to include the 18.3–18.8 GHz, 19.7–20.2 GHz, 28.35–28.6 GHz, and 29.25–30 GHz frequency bands,

(2) Eliminate the antenna pointing accuracy requirement for ESIMs,

(3) Allow ESIM applicants to certify compliance with the antenna gain pattern masks in § 25.209 and the antenna input power density limits in § 25.212 in lieu of providing off-axis e.i.r.p. data,

(4) Consolidate the technical and operational rules for all types of ESIMs, currently spread over four rule sections, into one rule section,

(5) Consolidate the application rules for all types of ESIMs, currently spread over four rule sections, into § 25.115, the general earth station application rule section,

(6) Cross-reference certain rules governing the application, technical, or operating requirements for all GSO FSS earth stations instead of duplicating those provisions in the rules pertaining specifically to ESIMs,

(7) Clarify the requirements for blanket-licensed earth station licensees to be responsible for the operation of all earth stations operating under their licenses,

(8) Update and improve definitions.

B. Legal Basis

The proposed action is authorized under sections 4(i), 7(a), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 157(a), 303(c), 303(f), 303(g), and 303(r).

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules May Apply

The RFA directs agencies to provide a description of, and, where feasible, an estimate of, the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.” In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2)

is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

Satellite Telecommunications. This category comprises firms “primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.” The category has a small business size standard of \$32.5 million or less in average annual receipts, under SBA rules. For this category, Census Bureau data for 2012 show that there were a total of 333 firms that operated for the entire year. Of this total, 299 firms had annual receipts of less than \$25 million. Consequently, we estimate that the majority of satellite telecommunications providers are small entities.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

The NPRM proposes a number of rule changes that will affect reporting, recordkeeping and other compliance requirements for earth station operators. Most proposed changes, as described below, would decrease the burden for all businesses operators, especially firms that hold licenses to operate earth stations.

The NPRM seeks comment on revisions to simplify information collections in applications for Earth Stations on Vessels, Vehicle-Mounted Earth Stations, and Earth Stations Aboard Aircraft, collectively known as Earth Stations in Motion (ESIMs). For example, the NPRM proposes eliminating the antenna pointing accuracy requirement and associated demonstrations that are currently required in all ESIM applications. The NPRM also seeks comment on extending eligibility for routine processing to applications for ESIMs operating in the 18.3–18.8 GHz, 19.7–20.2 GHz, 28.35–28.6 GHz, and 29.25–30 GHz frequency bands. In addition, the NPRM proposes to consolidate the technical and operational rules for ESIMs into a single rule section to reduce repetition of provisions across multiple rule sections, and to consolidate the application rules for ESIMs into the general earth station application rule section of part 25.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to describe any significant, specifically

small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rules for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”

The NPRM seeks comment from all interested parties on revisions to simplify information collections in applications for ESIMs. In this NPRM, the Commission considers rule revisions to reflect changes and advances in the satellite industry. The NPRM proposes to eliminate unnecessary technical and information filing requirements, and reorganize and simplify existing requirements. All of these proposals could lessen the burden of compliance on small entities with more limited resources than larger entities.

The Commission is aware that some of the proposals under consideration may impact small entities. Small entities are encouraged to bring to the Commission’s attention any specific concerns they may have with the proposals outlined in the document.

The Commission expects to consider the economic impact on small entities, as identified in comments filed in response to the proposed rule, in reaching its final conclusions and taking action in this proceeding.

The proposed changes for earth station licensing would clarify requirements for routine licensing and expand applicability of routine licensing standards. Each of these changes could lessen the burden in the licensing process. Specifically, this NPRM proposes revisions to provide alternatives for filing requirements, reduce filing requirements and clarify ESIM license application requirements in such a way that applicant burden should be reduced. Thus, the Commission anticipates that the proposed revisions would ultimately lead to benefits for small earth station operators in the long-term.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

List of Subjects

47 CFR Part 2

Radio, Table of frequency allocations.

47 CFR Part 25

Administrative practice and procedure, Earth stations, Satellites.

Federal Communications Commission.

Marlene H Dortch,
Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 2 and 25 as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

■ 1. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

■ 2. Section 2.106, the Table of Frequency Allocations, is amended as follows:

■ a. Pages 52 and 55 are revised.

■ b. In the list of International Footnotes, footnotes 5.484B and 5.527A are added.

■ c. In the list of United States (US) Footnotes, footnote US133 is revised.

■ d. In the list of non-Federal Government (NG) Footnotes, footnotes NG52, NG55, and NG180 are revised.

§ 2.106 Table of Frequency Allocations.

The revisions and additions read as follows:

* * * * *

<p>17.8-18.1 FIXED FIXED-SATELLITE (space-to-Earth) 5.484A (Earth-to-space) 5.516 MOBILE 5.519</p>	<p>17.8-18.3 FIXED-SATELLITE (space-to-Earth) US334 G117</p>	<p>17.8-18.3 FIXED</p>	<p>TV Broadcast Auxiliary (74F) Cable TV Relay (78) Fixed Microwave (101)</p>
<p>18.1-18.4 FIXED FIXED-SATELLITE (space-to-Earth) 5.484A 5.516B (Earth-to-space) 5.520 MOBILE 5.519 5.521</p>	<p>US519 18.3-18.6 FIXED-SATELLITE (space-to-Earth) US334 G117</p>	<p>US334 US519 18.3-18.6 FIXED-SATELLITE (space-to-Earth) NG164 NG55</p>	<p>Satellite Communications (25)</p>
<p>18.4-18.6 FIXED FIXED-SATELLITE (space-to-Earth) 5.484A 5.516B MOBILE</p>	<p>US139</p>	<p>US139 US334</p>	
<p>18.6-18.8 EARTH EXPLORATION-SATELLITE (passive) FIXED FIXED-SATELLITE (space-to-Earth) 5.522B MOBILE except aeronautical mobile Space research (passive) 5.522A 5.522C</p>	<p>18.6-18.8 EARTH EXPLORATION-SATELLITE (passive) FIXED FIXED-SATELLITE (space-to-Earth) 5.516B 5.522B MOBILE except aeronautical mobile SPACE RESEARCH (passive) 5.522A</p>	<p>18.6-18.8 EARTH EXPLORATION-SATELLITE (passive) FIXED FIXED-SATELLITE (space-to-Earth) 5.522B MOBILE except aeronautical mobile Space research (passive) 5.522A</p>	<p>18.6-18.8 EARTH EXPLORATION-SATELLITE (passive) FIXED-SATELLITE (space-to-Earth) US255 US334 G117 SPACE RESEARCH (passive) US139 US254</p>
<p>18.8-19.3 FIXED FIXED-SATELLITE (space-to-Earth) 5.516B 5.523A MOBILE</p>	<p>18.8-20.2 FIXED-SATELLITE (space-to-Earth) US334 G117</p>	<p>18.8-19.3 FIXED-SATELLITE (space-to-Earth) NG165 US139 US334</p>	
<p>19.3-19.7 FIXED FIXED-SATELLITE (space-to-Earth) (Earth-to-space) 5.523B 5.523C 5.523D 5.523E MOBILE</p>		<p>19.3-19.7 FIXED FIXED-SATELLITE (space-to-Earth) NG166 US334</p>	<p>Satellite Communications (25) TV Broadcast Auxiliary (74F) Cable TV Relay (78) Fixed Microwave (101)</p>
<p>19.7-20.1 FIXED-SATELLITE (space-to-Earth) 5.484A 5.484B 5.516B 5.527A Mobile-satellite (space-to-Earth) 5.524</p>	<p>19.7-20.1 FIXED-SATELLITE (space-to-Earth) 5.484A 5.484B 5.516B 5.527A MOBILE-SATELLITE (space-to-Earth) 5.524 5.525 5.526 5.527 5.528 5.529</p>	<p>19.7-20.1 FIXED-SATELLITE (space-to-Earth) 5.484A 5.484B 5.516B 5.527A Mobile-satellite (space-to-Earth) 5.524</p>	
<p>20.1-20.2 FIXED-SATELLITE (space-to-Earth) 5.484A 5.484B 5.516B 5.527A MOBILE-SATELLITE (space-to-Earth) 5.524 5.525 5.526 5.527 5.528</p>	<p>US139</p>	<p>19.7-20.2 FIXED-SATELLITE (space-to-Earth) NG55 MOBILE-SATELLITE (space-to-Earth) 5.525 5.526 5.527 5.528 5.529 US334</p>	<p>Satellite Communications (25)</p>
<p>20.2-21.2 FIXED-SATELLITE (space-to-Earth) MOBILE-SATELLITE (space-to-Earth) Standard frequency and time signal-satellite (space-to-Earth) 5.524</p>	<p>20.2-21.2 FIXED-SATELLITE (space-to-Earth) MOBILE-SATELLITE (space-to-Earth) Standard frequency and time signal-satellite (space-to-Earth) G117</p>	<p>20.2-21.2 Standard frequency and time signal-satellite (space-to-Earth)</p>	

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27.5-28.5 FIXED 5.537A FIXED-SATELLITE (Earth-to-space) 5.484A 5.516B 5.539 MOBILE			27.5-30	27.5-29.5 FIXED FIXED-SATELLITE (Earth-to-space) NG55 MOBILE	RF Devices (15) Satellite Communications (25) Upper Microwave Flexible Use (30) Fixed Microwave (101)
5.538 5.540					
28.5-29.1 FIXED FIXED-SATELLITE (Earth-to-space) 5.484A 5.516B 5.523A 5.539 MOBILE Earth exploration-satellite (Earth-to-space) 5.541					
5.540					
29.1-29.5 FIXED FIXED-SATELLITE (Earth-to-space) 5.516B 5.523C 5.523E 5.535A 5.539 5.541A MOBILE Earth exploration-satellite (Earth-to-space) 5.541					
5.540					
29.5-29.9 FIXED-SATELLITE (Earth-to-space) 5.484A 5.484B 5.516B 5.527A 5.539 Earth exploration-satellite (Earth-to-space) 5.541 Mobile-satellite (Earth-to-space)	29.5-29.9 FIXED-SATELLITE (Earth-to-space) 5.484A 5.484B 5.516B 5.527A 5.539 MOBILE-SATELLITE (Earth-to-space) Earth exploration-satellite (Earth-to-space) 5.541	29.5-29.9 FIXED-SATELLITE (Earth-to-space) 5.484A 5.484B 5.516B 5.527A 5.539 Earth exploration-satellite (Earth-to-space) 5.541 Mobile-satellite (Earth-to-space)		29.5-30 FIXED-SATELLITE (Earth-to-space) NG55 MOBILE-SATELLITE (Earth-to-space)	Satellite Communications (25)
5.540 5.542	5.525 5.526 5.527 5.529 5.5405	5.540 5.542			
29.9-30 FIXED-SATELLITE (Earth-to-space) 5.484A 5.484B 5.516B 5.527A 5.539 MOBILE-SATELLITE (Earth-to-space) Earth exploration-satellite (Earth-to-space) 5.541 5.543					
5.525 5.526 5.527 5.538 5.540 5.542				5.525 5.526 5.527 5.529 5.543	
30-31 FIXED-SATELLITE (Earth-to-space) 5.338A MOBILE-SATELLITE (Earth-to-space) Standard frequency and time signal-satellite (space-to-Earth)			30-31 FIXED-SATELLITE (Earth-to-space) MOBILE-SATELLITE (Earth-to-space) Standard frequency and time signal-satellite (space-to-Earth)	30-31 Standard frequency and time signal-satellite (space-to-Earth)	
5.542			G117		

International Footnotes

* * * * *

5.484B Resolution 155 (WRC-15) shall apply. (WRC-15)

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5.527A The operation of earth stations in motion communicating with the FSS is subject to Resolution 156 (WRC-15). (WRC-15)

* * * * *

United States (U.S.) Footnotes

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US133 In the bands 14-14.2 GHz and 14.47-14.5 GHz, the following provisions shall apply to the operations of Earth Stations Aboard Aircraft (ESAA):

(a) In the band 14-14.2 GHz, ESAA licensees proposing to operate within radio line-of-sight of the coordinates specified in 47 CFR 25.228(j)(1) are subject to prior coordination with NTIA in order to minimize harmful interference to the ground terminals of NASA's Tracking and Data Relay Satellite System (TDRSS).

(b) In the band 14.47-14.5 GHz, operations within radio line-of-sight of the radio astronomy stations specified in 47 CFR 25.228(j)(3) are subject to coordination with the National Science Foundation in accordance with 47 CFR 25.228(j)(3).

* * * * *

Non-Federal Government (NG) Footnotes

* * * * *

NG52 Except as otherwise provided for herein, use of the bands 10.7-11.7 GHz (space-to-Earth) and 12.75-13.25 GHz (Earth-to-space) by geostationary satellites in the fixed-satellite service (FSS) shall be limited to international systems, i.e., other than domestic systems. In the sub-bands 10.95-11.2 GHz and 11.45-11.7 GHz, Earth Stations in Motion (ESIMs), as regulated under 47 CFR part 25, may be authorized for the reception of FSS emissions from geostationary satellites, subject to the condition that these earth stations shall not claim protection from transmissions of non-Federal stations in the fixed service.

* * * * *

NG55 In the bands 11.7-12.2 GHz (space-to-Earth), 14.0-14.5 GHz (Earth-to-space), 18.3-18.8 GHz (space-to-Earth), 19.7-20.2 GHz (space-to-Earth), 28.35-28.6 GHz (Earth-to-space), and 29.25-30.0 GHz (Earth-to-space), Earth Stations in Motion (ESIMs), as regulated under 47 CFR part 25, are applications of the fixed-satellite service and may be authorized to communicate with

geostationary satellites in the fixed-satellite service on a primary basis.

* * * * *

NG180 In the band 3700-4200 MHz (space-to-Earth) earth stations on vessels (ESVs) may be authorized to communicate with space stations of the fixed-satellite service and, while docked, may be coordinated for up to 180 days, renewable. ESVs in motion have the same status as other operations in the FSS, but must operate on a secondary basis with respect to non-Federal stations in the fixed service.

* * * * *

■ 3. Amend § 25.103 by revising the definitions of "Blanket license," and "Earth Stations Aboard Aircraft (ESAA)," adding in alphabetical order the definitions of "Earth Stations in Motion (ESIMs)" and "Network Control and Monitoring Center (NCMC)," and revising the definitions of "Routine processing or licensing," "Two-degree compliant space station," and "Vehicle-Mounted Earth Station" to read as follows:

§ 25.103 Definitions.

* * * * *

Blanket license. A license for: (1) Multiple earth stations in the FSS or MSS, or for SDARS terrestrial repeaters, that may be operated anywhere within a geographic area specified in the license; or (2) For multiple space stations in non-geostationary-orbit.

* * * * *

Earth Station Aboard Aircraft (ESAA). An earth station operating aboard an aircraft that receives from and transmits to geostationary-orbit Fixed-Satellite Service space stations.

* * * * *

Earth Station in Motion (ESIM). A term that collectively designates ESV, VMES and ESAA earth stations, as defined in this section.

* * * * *

Network Control and Monitoring Center (NCMC). An NCMC, as used in Part 25, is a facility that has the capability to remotely control earth stations operating as part of a satellite network or system.

* * * * *

Routine processing or licensing. Expedited processing of unopposed applications for earth stations in the FSS communicating with GSO space stations that satisfy the criteria in § 25.211(d), § 25.212(c), § 25.212(d), § 25.212(e), § 25.212(f), § 25.218, or § 25.223(b), include all required information, are consistent with all Commission rules, and do not raise any policy issues. Some, but not all, routine

earth station applications are eligible for an autogrant procedure under § 25.115(a)(3).

* * * * *

Two-degree-compliant space station. A GSO FSS space station operating in the conventional or extended C-bands, the conventional or extended Ku-bands, or the conventional Ka-band within the limits on downlink e.i.r.p. density or PFD specified in § 25.140(a)(3) and communicating only with earth stations operating in conformance with routine uplink parameters specified in § 25.211(d), § 25.212(c), (d), (e), or (f), or § 25.218.

Vehicle-Mounted Earth Station (VMES). An earth station, operating from a motorized vehicle that travels primarily on land, that receives from and transmits to geostationary orbit Fixed-Satellite Service space stations and operates within the United States.

■ 4. Amend § 25.115 by:

- a. Revising paragraphs (a)(1) and (a)(2)(iii);
■ b. Removing and reserving paragraph (a)(4);
■ c. Adding paragraphs (a)(5) through (10);
■ d. Revising paragraph (b);
■ e. Revising paragraphs (c)(1) introductory text, (c)(1)(i)(A), (c)(3)(i)(B), (c)(3)(ii), (e), (g)(1)(vii), and (k)(1) and (2); and
■ f. Adding paragraphs (l), (m), and (n).

The revisions and additions read as follows:

§ 25.115 Applications for earth station authorizations.

(a)(1) Transmitting earth stations. Commission authorization must be obtained for authority to operate a transmitting earth station. Applications for transmitting earth stations must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter. Applications must be filed electronically on FCC Form 312, Main Form and Schedule B, and include the information specified in this section, except as set forth in paragraph (a)(2) of this section.

(2) * * *

(iii) The application meets all relevant criteria in §§ 25.211 or 25.212 or includes information filed pursuant to paragraph (g)(1) of this section indicating that off-axis e.i.r.p. density from the proposed earth stations will not exceed relevant levels specified in § 25.218; and

* * * * *

(5) Applicants that are not permitted to submit applications under paragraph (a)(2) of this section on Form 312EZ,

must submit, as an attachment to their application, the following information to be used as an “informative” in the public notice issued under § 25.151:

(i) A detailed description of the service to be provided, including frequency bands and satellites to be used. The applicant must identify either the specific satellite(s) with which it plans to operate, or the eastern and western boundaries of the arc it plans to coordinate.

(ii) The diameter or equivalent diameter of the antenna.

(iii) Proposed power and power density levels.

(iv) Identification of any random access technique, if applicable.

(v) Identification of a specific rule or rules for which a waiver is requested.

(6) A frequency coordination analysis in accordance with § 25.203 (b) must be provided for earth stations transmitting in the frequency bands shared with equal rights between terrestrial and space services, except applications for user transceiver units associated with the NVNG MSS, which must instead provide the information required by § 25.135, and applications for 1.6/2.4 GHz MSS user transceivers, which must demonstrate that the transceivers will operate in compliance with relevant requirements in § 25.213. Also, applications for transmitting earth stations must include any notification or demonstration required by any other relevant provision in § 25.203.

(7) In those cases where an applicant is filing a number of essentially similar applications, showings of a general nature applicable to all of the proposed stations may be submitted in the initial application and incorporated by reference in subsequent applications.

(8) Transmissions of signals or programming to non-U.S. licensed satellites, and to and/or from foreign points by means of U.S.-licensed fixed satellites may be subject to restrictions as a result of international agreements or treaties. The Commission will maintain public information on the status of any such agreements.

(9) Applicants seeking to operate in a shared government/non-government band must provide the half-power beam width of their proposed earth station antenna, as an attachment to their applications.

(10) Parties may apply, either in an initial application or an application for modification of license, for operating authority for multiple transmitting FSS earth stations that are not eligible for blanket or network licensing under another section of this part in the following circumstances:

(i) The antennas would transmit in frequency bands shared with terrestrial services on a co-primary basis and the antennas would be sited within an area bounded by 1 second of latitude and 1 second of longitude.

(ii) The antennas would transmit in frequency bands allocated to FSS on a primary basis and there is no co-primary allocation for terrestrial services, and the antennas would be sited within an area bounded by 10 seconds of latitude and 10 seconds of longitude.

Note To Paragraph (a)(10): This paragraph does not apply to applications for blanket-licensed earth station networks filed pursuant to paragraph (c) of this section or § 25.218; applications for conventional Ka-band hub stations filed pursuant to paragraph (e) of this section; applications for NGSO FSS gateway earth stations filed pursuant to paragraph (f) of this section; applications for ESIMs filed pursuant to paragraphs (l) through (n) of this section; or applications for 29 GHz NGSO MSS feeder-link stations in a complex as defined in § 25.257.

(b) *Receive-only earth stations.* Except as provided in paragraphs (b)(1) and (8) of this section, applications for licenses for receive-only earth stations must be submitted on FCC Form 312, Main Form and Schedule B, accompanied by any required exhibits and the information described in paragraphs (a)(5)(i) through (v) of this section. Such applications must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter.

(1) Receive-only earth stations in the FSS that operate with U.S.-licensed space stations, or with non-U.S.-licensed space stations that have been duly approved for U.S. market access, may be registered with the Commission in order to protect them from interference from terrestrial microwave stations in bands shared co-equally with the Fixed Service in accordance with the procedures of §§ 25.203 and 25.251, subject to the stricture in § 25.209(c).

(2) Licensing or registration of receive-only earth stations with the Commission confers no authority to receive and use signals or programming received from satellites. See section 705 of the Communications Act. 47 U.S.C. 605.

(3) Applications for registration must be accompanied by the coordination exhibit required by § 25.203 and any other required exhibits.

(4) Complete applications for registration will be placed on public notice for 30 days and automatically granted if no objection is submitted to the Commission and served on the applicant. Additional pleadings are

authorized in accordance with § 1.45 of this chapter.

(5) The registration of a receive-only earth station results in the listing of an authorized frequency band at the location specified in the registration. Interference protection levels are those agreed to during coordination.

(6) Reception of signals or programming from non-U.S. satellites may be subject to restrictions as a result of international agreements or treaties. The Commission will maintain public information on the status of any such agreements.

(7) Registration term: Registrations for receive-only earth stations governed by this section will be issued for a period of 15 years from the date on which the application was filed. Applications for renewals of registrations must be submitted on FCC Form 312R (Application for Renewal of Radio Station License in Specified Services) no earlier than 90 days and no later than 30 days before the expiration date of the registration.

(8) Applications for modification of license or registration of receive-only earth stations must be made in conformance with §§ 25.117 and 25.118. In addition, registrants are required to notify the Commission when a receive-only earth station is no longer operational or when it has not been used to provide any service during any 6-month period.

(9)(i) Except as set forth in paragraph (9)(ii) of this section, receive-only earth stations operating with non-U.S. licensed space stations must file an FCC Form 312 requesting a license or modification to operate such station.

(ii) Operators of receive-only earth stations need not apply for a license to receive transmissions from non-U.S.-licensed space stations that have been duly approved for U.S. market access, provided the space station operator and earth station operator comply with all applicable rules in this chapter and with applicable conditions in the Permitted Space Station List or market-access grant.

(c) * * *

(1) *Networks of earth stations operating in the 11.7–12.2 GHz and 14.0–14.5 GHz bands with U.S.-licensed or non-U.S.-licensed space stations.* Applications to license networks of earth stations operating in any portion of the 11.7–12.2 GHz and 14.0–14.5 GHz bands under blanket operating authority may be filed on FCC Form 312 or Form 312EZ, with a Schedule B for each large (5 meters or larger) hub station antenna and each representative type of small antenna (less than 5 meters) operating within the network.

(j) * * *

(A) No more than three geostationary satellites to be accessed;

* * * * *

(3) * * *

(i) * * *

(B) The application includes information filed pursuant to paragraph (g)(1) of this section indicating that off-axis e.i.r.p. density from the proposed earth stations will not exceed relevant routine levels specified in § 25.218(i).

(ii) Applications to license networks of earth stations operating in the 28.35–28.6 GHz and/or 29.25–30.0 GHz bands under blanket operating authority that do not meet the requirements of §§ 25.212(e) or 25.218(i) must comply with the requirements in § 25.220 and must be filed on FCC Form 312 with a Schedule B for each large (5 meters or larger) hub station antenna and each representative type of small antenna (less than 5 meters) operating within the network.

* * * * *

(e) License applications for earth station operation in any portion of the 18.3–20.2 GHz and 28.35–30.0 GHz bands not filed on FCC Form 312EZ pursuant to paragraph (a)(2) of this section must be filed on FCC Form 312, Main Form and Schedule B, and must include any information required by paragraphs (a)(5)–(10), (g), or (j) of this section. An applicant may request authority for operation of GSO FSS earth stations in the conventional Ks-band, or for operation of NGSO FSS earth stations in the 18.8–19.3 GHz (space-to-Earth) and 28.6–29.1 (Earth-to-space) bands, without specifying the location of user terminals but must specify the geographic area(s) in which they will operate and the location of hub and/or gateway stations.

* * * * *

(g) * * *

(1) * * *

(vii) The relevant off-axis e.i.r.p. density envelopes in § 25.218 or § 25.223 must be superimposed on plots submitted pursuant to paragraphs (g)(1)(i) through (vi) of this section.

* * * * *

(k)(1) Applicants for FSS earth stations that qualify for routine processing in the conventional or extended C-bands, the conventional or extended Ku-bands, the conventional Ka-band, or the 24.75–25.25 GHz band, including ESV applications filed pursuant to paragraph (m)(1) or (n)(1) of this section, VMES applications filed pursuant to paragraph (m)(1) or (n)(1) of this section, and ESAA applications filed pursuant to paragraph (m)(1) or (n)(1) of this section, may designate the

Permitted Space Station List as a point of communication. Once such an application is granted, the earth station operator may communicate with any space station on the Permitted Space Station List, provided that the operation is consistent with the technical parameters and conditions in the earth station license and any limitations placed on the space station authorization or noted in the Permitted Space Station List.

(2) Notwithstanding paragraph (k)(1) of this section, an earth station that would receive signals in the 17.8–20.2 GHz band may not communicate with a space station on the Permitted Space Station List in that band until the space station operator has completed coordination under Footnote US334 to § 2.106 of this chapter.

(l) The requirements of this paragraph apply to applications for ESV operation in the 5925–6425 MHz (Earth-to-space) band with GSO satellites in the Fixed-Satellite Service, in addition to the requirements in paragraphs (a)(1), (a)(5), (a)(6), and (i) of this section:

(1) Applications where any necessary frequency coordination has been satisfactorily completed, and the proposed earth station transmissions comport with the applicable provisions in § 25.212(d) or the applicable off-axis e.i.r.p. density limits in § 25.218(d) will be routinely processed. Such applications must include the relevant information specified by paragraph (g) of this section. Applicants for ESIMs operating in a network using variable power density control of earth stations transmitting simultaneously in shared frequencies to the same target satellite receiving beam must also provide the certification required by section 25.212(g) or 25.218(d)(4), whichever is applicable.

(2) Applications where the proposed earth station transmissions do not comport with the applicable provisions in § 25.212(d) or the applicable off-axis e.i.r.p. density limits in § 25.218(d) must include the information specified by paragraph (g)(1) of this section, and are subject to the requirements of § 25.220.

(3) Applications must include the following information:

(i) A demonstration that the ESV system is capable of detecting and automatically ceasing emissions within 100 milliseconds when the transmitter exceeds the off-axis EIRP spectral-density limits specified in § 25.218(d), or the limits provided to the target satellite operator for operation under § 25.220. ESV applicants must provide a detailed showing that an individual ESV terminal is self-monitoring and capable of automatically ceasing or reducing

emissions within 100 milliseconds if the ESV transmitter exceeds the relevant off-axis e.i.r.p. spectral-density limits. Variable-power ESV applicants must provide a detailed showing that one or more transmitters are capable of automatically ceasing or reducing emissions within 100 milliseconds of receiving a command to do so from the system's network control and monitoring center, if the aggregate off-axis e.i.r.p. spectral-densities of the transmitter or transmitters exceed the relevant off-axis e.i.r.p. spectral-density limits.

(ii) An exhibit describing the geographic area(s) in which the ESVs will operate.

(iii) The point of contact information referred to in § 25.228(e)(2).

(iv) Applicants for ESVs that will exceed the guidelines in § 1.1310 of this chapter for radio frequency radiation exposure must provide, with their environmental assessment, a plan for mitigation of radiation exposure to the extent required to meet those guidelines.

(m) The requirements of this paragraph apply to applications for ESIM operation in the 14.0–14.5 GHz (Earth-to-space) band with GSO satellites in the Fixed-Satellite Service, in addition to the requirements in paragraphs (a)(1), (a)(5), and (i) of this section:

(1) Applications where any necessary frequency coordination has been satisfactorily completed, and the proposed earth station transmissions comport with the applicable provisions in § 25.212(d) or the applicable off-axis e.i.r.p. density limits in § 25.218(f) will be routinely processed. Such applications must include the relevant information specified by paragraph (g) of this section. Applicants for ESIMs operating in a network using variable power density control of earth stations transmitting simultaneously in shared frequencies to the same target satellite receiving beam must also provide the certification required by section 25.212(g) or section 25.218(f)(4), whichever is applicable.

(2) Applications where the proposed earth station transmissions do not comport with the applicable provisions in § 25.212(d) or the applicable off-axis e.i.r.p. density limits in § 25.218(f) must include the information specified by paragraph (g)(1) of this section, and are subject to the requirements of § 25.220.

(3) Applications must include the following information:

(i) A demonstration that the ESIM system is capable of detecting and automatically ceasing emissions within 100 milliseconds when the transmitter

exceeds the off-axis e.i.r.p. spectral-density limits specified in § 25.218(f), or the limits provided to the target satellite operator for operation under § 25.220. ESIM applicants must provide a detailed showing that an individual ESIM terminal is self-monitoring and capable of automatically ceasing or reducing emissions within 100 milliseconds if the ESIM transmitter exceeds the relevant off-axis e.i.r.p. spectral-density limits. Variable-power ESIM applicants must provide a detailed showing that one or more transmitters are capable of automatically ceasing or reducing emissions within 100 milliseconds of receiving a command to do so from the system's network control and monitoring center, if the aggregate off-axis e.i.r.p. spectral-densities of the transmitter or transmitters exceed the relevant off-axis e.i.r.p. spectral-density limits.

(ii) An exhibit describing the geographic area(s) in which the ESIMs will operate.

(iii) The point of contact information referred to in § 25.228(e)(2), (f), or (g)(1) as appropriate.

(iv) Applicants for ESIMs that will exceed the guidelines in § 1.1310 of this chapter for radio frequency radiation exposure must provide, with their environmental assessment, a plan for mitigation of radiation exposure to the extent required to meet those guidelines.

(n) The requirements of this paragraph apply to applications for ESIM operation in the 28.35–28.6 GHz or 29.25–30.0 GHz (Earth-to-space) band with GSO satellites in the Fixed-Satellite Service, in addition to the requirements in paragraphs (a)(1), (a)(5), and (i) of this section:

(1) Applications where any necessary frequency coordination has been satisfactorily completed, and the proposed earth station transmissions comport with the applicable provisions in § 25.212(e) or the applicable off-axis e.i.r.p. density limits in § 25.218(i) will be routinely processed. Such applications must include the relevant information specified by paragraph (g) of this section. Applicants for ESIMs operating in a network using variable power density control of earth stations transmitting simultaneously in shared frequencies to the same target satellite receiving beam must also provide the certification required by section 25.212(g) or section 25.218(i)(5), whichever is applicable.

(2) Applications where the proposed earth station transmissions do not comport with the applicable provisions in § 25.212(e) or the applicable off-axis e.i.r.p. density limits in § 25.218(i) must

include the information specified by paragraph (g)(1) of this section, and are subject to the requirements of § 25.220.

(3) Applications must include the following information:

(i) A demonstration that the ESIM system is capable of detecting and automatically ceasing emissions within 100 milliseconds when the transmitter exceeds the off-axis e.i.r.p. spectral-density limits specified in § 25.218(i), or the limits provided to the target satellite operator for operation under § 25.220. ESIM applicants must provide a detailed showing that an individual ESIM terminal is self-monitoring and capable of automatically ceasing or reducing emissions within 100 milliseconds if the ESIM transmitter exceeds the relevant off-axis e.i.r.p. spectral-density limits. Variable-power ESIM applicants must provide a detailed showing that one or more transmitters are capable of automatically ceasing or reducing emissions within 100 milliseconds of receiving a command to do so from the system's network control and monitoring center, if the aggregate off-axis e.i.r.p. spectral-densities of the transmitter or transmitters exceed the relevant off-axis e.i.r.p. spectral-density limits.

(ii) An exhibit describing the geographic area(s) in which the ESIM s will operate.

(iii) The point of contact information referred to in § 25.228(e)(2), (f), or (g)(1) as appropriate.

(iv) Applicants for ESIMs that will exceed the guidelines in § 1.1310 of this chapter for radio frequency radiation exposure must provide, with their environmental assessment, a plan for mitigation of radiation exposure to the extent required to meet those guidelines.

§ 25.130 [Removed and Reserved]

■ 5. Remove and reserve § 25.130.

§ 25.131 [Removed and Reserved]

■ 6. Remove and reserve § 25.131.

■ 7. Amend § 25.132 by revising paragraph (d) to read as follows:

§ 25.132 Verification of earth station antenna performance.

* * * * *

(d) For each new or modified transmitting antenna over 3 meters in diameter, the following on-site verification measurements must be completed at one frequency on an available transponder in each frequency band of interest and submitted to the Commission.

* * * * *

■ 8. Amend § 25.133 by revising paragraph (d) to read as follows:

§ 25.133 Period of construction; certification of commencement of operation.

* * * * *

(d) Each receiving earth station licensed or registered pursuant to § 25.115(b) must be constructed and placed into service within 6 months after coordination has been completed. Each licensee or registrant must file with the Commission a certification that the facility is completed and operating as provided in paragraph (b) of this section, with the exception of certification of antenna patterns.

§ 25.138 [Removed and Reserved]

■ 9. Remove and reserve § 25.138.

■ 10. Amend § 25.140 by revising paragraphs (a)(3)(iii) and (d)(1) to read as follows:

§ 25.140 Further requirements for license applications for GSO space station operation in the FSS and the 17/24 GHz BSS.

(a) * * *

(3) * * *

(iii) With respect to proposed operation in the conventional Ka-band, a certification that the proposed space station will not generate power flux-density at the Earth's surface in excess of –118 dBW/m²/MHz and that associated uplink operation will not exceed applicable e.i.r.p. density envelopes in § 25.218(i) unless the non-routine uplink and/or downlink operation is coordinated with operators of authorized co-frequency space stations at assigned locations within six degrees of the orbital location and except as provided in paragraph (d) of this section.

* * * * *

(d) * * *

(1) The letter notification must include the downlink off-axis e.i.r.p. density levels or power flux density levels and/or uplink off-axis e.i.r.p. density levels, specified per frequency range and space station antenna beam, that exceed the relevant routine limits set forth in paragraphs (a)(3)(i) through (iii) of this section and § 25.218.

* * * * *

■ 11. Amend § 25.202 by revising paragraphs (a)(8), (10), and (11) to read as follows:

§ 25.202 Frequencies, frequency tolerance, and emission limits.

(a) * * *

(8) The following frequencies are available for use by ESVs:
3700–4200 MHz (space-to-Earth)
5925–6425 MHz (Earth-to-space)
10.95–11.2 GHz (space-to-Earth)
11.45–11.7 GHz (space-to-Earth)

- 11.7–12.2 GHz (space-to-Earth)
- 14.0–14.5 GHz (Earth-to-space)
- 18.3–18.8 GHz (space-to-Earth)
- 19.7–20.2 GHz (space-to-Earth)
- 28.35–28.6 GHz (Earth-to-space)
- 29.25–30.0 GHz (Earth-to-space)

* * * * *

(10) The following frequencies are available for use by Vehicle-Mounted Earth Stations (VMESs):

- 10.95–11.2 GHz (space-to-Earth)
- 11.45–11.7 GHz (space-to-Earth)
- 11.7–12.2 GHz (space-to-Earth)
- 14.0–14.5 GHz (Earth-to-space)
- 18.3–18.8 GHz (space-to-Earth)
- 19.7–20.2 GHz (space-to-Earth)
- 28.35–28.6 GHz (Earth-to-space)
- 29.25–30.0 GHz (Earth-to-space)

(11) The following frequencies are available for use by Earth Stations Aboard Aircraft (ESAAs):

- 10.95–11.2 GHz (space-to-Earth)
- 11.45–11.7 GHz (space-to-Earth)
- 11.7–12.2 GHz (space-to-Earth)
- 14.0–14.5 GHz (Earth-to-space)
- 18.3–18.8 GHz (space-to-Earth)
- 19.7–20.2 GHz (space-to-Earth)
- 28.35–28.6 GHz (Earth-to-space)
- 29.25–30.0 GHz (Earth-to-space)

* * * * *

■ 12. Amend § 25.204 by revising paragraph (e)(3) and removing paragraphs (h) through (k).

The revision reads as follows:

§ 25.204 Power limits for earth stations.

* * * * *

(e) * * *

(3) FSS earth stations transmitting to geostationary space stations in the 28.35–28.6 GHz and/or 29.25–30.0 GHz bands may employ uplink adaptive power control or other methods of fade compensation. For stations employing uplink power control, the values in paragraphs (i)(1), (i)(2), and (i)(4) of § 25.218 may be exceeded by up to 20 dB under conditions of uplink fading due to precipitation. The amount of such increase in excess of the actual amount of monitored excess attenuation over clear sky propagation conditions must not exceed 1.5 dB or 15 percent of the actual amount of monitored excess attenuation in dB, whichever is larger, with a confidence level of 90 percent except over transient periods accounting for no more than 0.5 percent of the time during which the excess is no more than 4.0 dB.

* * * * *

■ 13. Amend § 25.209 by revising paragraphs (c)(1) and (f) to read as follows:

§ 25.209 Earth station antenna performance standards.

* * * * *

(c)(1) An earth station licensed for operation with a GSO FSS space station or registered for reception of transmissions from such a space station pursuant to §§ 25.115(b)(1) and (3) is not entitled to protection from interference from authorized operation of other stations that would not cause harmful interference to that earth station if it were using an antenna with receive-band gain patterns conforming to the levels specified in paragraphs (a) and (b) of this section.

* * * * *

(f) A GSO FSS earth station with an antenna that does not conform to the applicable standards in paragraphs (a) and (b) of this section will be authorized only if the applicant demonstrates that the antenna will not cause unacceptable interference. This demonstration must show that the transmissions of the earth station comport with the requirements in § 25.218 or § 25.223, or the applicant must demonstrate that the operations of the earth station have been coordinated under § 25.220.

■ 14. Amend § 25.212 by revising paragraphs (c), (d), (g), and (h) to read as follows:

§ 25.212 Narrowband analog transmissions and digital transmissions in the GSO Fixed Satellite Service.

* * * * *

(c)(1) An earth station, other than an ESIM, may be routinely licensed for analog transmissions in the conventional Ku-band or the extended Ku-band with bandwidths up to 200 kHz (or up to 1 MHz for command carriers at the band edge) if the input power spectral density into the antenna will not exceed –8 dBW/4 kHz, and the application includes certification pursuant to § 25.132(a)(1) of conformance with the antenna gain performance requirements in § 25.209(a) and (b).

(2) An earth station may be routinely licensed for digital transmission, including digital video transmission, in the conventional Ku-band, or, except for an ESIM, in the extended Ku-band, if input power spectral density into the antenna will not exceed –14 dBW/4 kHz and the application includes certification pursuant to § 25.132(a)(1) of conformance with the antenna gain performance requirements in § 25.209(a) and (b).

(d) An individual earth station may be routinely licensed for digital transmission in the conventional C-band or, except for an ESIM, in the extended C-band, if the applicant certifies conformance with relevant antenna performance standards in § 25.209(a) and (b), and power density into the

antenna will not exceed –2.7 dBW/4 kHz. An individual earth station, other than an ESIM, may be routinely licensed for analog transmission with carrier bandwidths up to 200 kHz (or up to 1 MHz for command carriers at the band edge) in the conventional C-band or the extended C-band, if the applicant certifies conformance with relevant antenna performance standards in § 25.209(a) and (b), and power density into the antenna will not exceed +0.5 dBW/4 kHz.

* * * * *

(g) A license application for earth station operation in a network using variable power density control of earth stations transmitting simultaneously in shared frequencies to the same target satellite receiving beam may be routinely processed if the applicant certifies that the aggregate off-axis EIRP density from all co-frequency earth stations transmitting simultaneously to the same target satellite receiving beam, not resulting from colliding data bursts transmitted pursuant to a contention protocol, will not exceed the applicable off-axis EIRP density limits permissible for a single earth station, as specified in § 25.218.

(h) Applications for authority for fixed earth station operation in the conventional C-band, the extended C-band, the conventional Ku-band, the extended Ku-band or the conventional Ka-band that do not qualify for routine processing under relevant criteria in this section, § 25.211, or § 25.218 are subject to the requirements in § 25.220.

■ 15. Amend § 25.218 by revising paragraphs (a), (b) introductory text, and (i), and adding paragraph (j) to read as follows:

§ 25.218 Off-axis e.i.r.p. density envelopes for FSS earth stations transmitting in certain frequency bands.

(a) This section applies to applications for fixed and temporary-fixed FSS earth stations transmitting to geostationary space stations in the conventional C-band, extended C-band, conventional Ku-band, extended Ku-band, or conventional Ka-band, and applications for ESIMs transmitting in the conventional C-band, conventional Ku-band, or conventional Ka-band, except for applications proposing transmission of analog command signals at a band edge with bandwidths greater than 1 MHz or transmission of any other type of analog signal with bandwidths greater than 200 kHz.

(b) Earth station applications subject to this section may be routinely processed if they meet the applicable

off-axis e.i.r.p. density envelopes set forth in this section.
* * * * *

(i) *Digital earth station operation in the conventional Ka-band.* (1) For co-

polarized transmissions in the plane tangent to the GSO arc:

32.5–25log(θ)	dBW/MHz	for	2.0° ≤ θ ≤ 7°
11.5	dBW/MHz	for	7° ≤ θ ≤ 9.2°
35.5–25log(θ)	dBW/MHz	for	9.2° ≤ θ ≤ 19.1°
3.5	dBW/MHz	for	19.1° < θ ≤ 180°

Where θ is as defined in paragraph (c)(1) of this section.

(2) For co-polarized transmissions in the plane perpendicular to the GSO arc:

35.5–25log(θ)	dBW/MHz	for	3.5° ≤ θ ≤ 7°
14.4	dBW/MHz	for	7° < θ ≤ 9.2°
38.5–25log(θ)	dBW/MHz	for	9.2° < θ ≤ 19.1°
6.5	dBW/MHz	for	19.1° < θ ≤ 180°

Where θ is as defined in paragraph (c)(1) of this section.

for values of θ > 7°, over 10% of the range of theta (θ) angles from 7–180° on each side of the line from the earth station to the target satellite.

(4) For cross-polarized transmissions in the plane tangent to the GSO arc and in the plane perpendicular to the GSO arc:

22.5–25log(θ)	dBW/MHz	for	2.0° < θ ≤ 7.0°
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Where θ is as defined in paragraph (c)(1) of this section.

(5) A license application for earth station operation in a network using variable power density control of earth stations transmitting simultaneously in shared frequencies to the same target satellite receiving beam may be routinely processed if the applicant certifies that the aggregate off-axis e.i.r.p. density from all co-frequency earth stations transmitting simultaneously to the same target satellite receiving beam, not resulting from colliding data bursts transmitted pursuant to a contention protocol, will not exceed the off-axis e.i.r.p. density limits permissible for a single earth station, as specified in paragraphs (i)(1) through (4) of this section.

qualify for routine licensing under relevant criteria in §§ 25.211, 25.212, or 25.218.
* * * * *

§ 25.221 [Removed]

■ 17. Remove § 25.221.

§ 25.222 [Removed]

■ 18. Remove § 25.222.

§ 25.226 [Removed]

■ 19. Remove § 25.226.

§ 25.227 [Removed]

■ 20. Remove § 25.227.
■ 21. Add § 25.228 to read as follows:

§ 25.228 Operating and coordination requirements for earth stations in motion (ESIMs).

(a) ESIM transmissions must comport with the applicable e.i.r.p. density limits in § 25.218, unless coordinated pursuant to the requirements in § 25.220.

(b) Each ESIM must be self-monitoring and, should a condition occur that would cause the ESIM to exceed its authorized off-axis e.i.r.p. density limits, the ESIM must automatically cease transmissions within 100 milliseconds, and not resume transmissions until the condition that caused the ESIM to exceed those limits is corrected.

(c) Each ESIM must be monitored and controlled by a network control and monitoring center (NCMC) or equivalent facility. Each ESIM must comply with “disable transmission” commands from

the NCMC. In addition, the NCMC must monitor the operation of each ESIM in its network, and transmit a “disable transmission” command to any ESIM that operates in such a way as to exceed the authorized off-axis e.i.r.p. density limit for that ESIM or for all ESIMs that simultaneously transmit on the same frequency to the same target satellite receiving beam. The NCMC must not allow the ESIM(s) under its control to resume transmissions until the condition that caused the ESIM(s) to exceed the authorized e.i.r.p. density limits is corrected.

(d) ESIM licensees must ensure installation of ESIM terminals on vehicles by qualified installers who have an understanding of the antenna’s radiation environment and the measures best suited to maximize protection of the general public and persons operating the vehicle and equipment. An ESIM terminal exhibiting radiation exposure levels exceeding 1.0 mW/cm² in accessible areas, such as at the exterior surface of the radome, must have a label attached to the surface of the terminal warning about the radiation hazard and must include thereon a diagram showing the regions around the terminal where the radiation levels could exceed the maximum radiation exposure limit specified in 47 CFR 1.1310 Table 1.

(e) The following requirements govern all ESV operations.

(1) ESV operators must control all ESVs by a NCMC located in the United States, except that an ESV on U.S.-

(j) Applications for authority for fixed earth station operation in the conventional C-band, extended C-band, conventional Ku-band, extended Ku-band, or conventional Ka-band that do not qualify for routine processing under relevant criteria in this section, § 25.211, or § 25.212 are subject to the requirements in § 25.220.

■ 16. Amend § 25.220 revising paragraph (a) to read as follows:

§ 25.220 Non-conforming transmit/receive earth station operations.

(a) The requirements in this section apply to applications for, and operation of, earth stations transmitting in the conventional or extended C-bands, the conventional or extended Ku-bands, or the conventional Ka-band that do not

registered vessels may operate under control of a NCMC location outside the United States provided the ESV operator maintains a point of contact within the United States that will have the capability and authority to cause an ESV on a U.S.-registered vessel to cease transmitting if necessary.

(2) There must be a point of contact in the United States, with phone number and address, available 24 hours a day, seven days a week, with authority and ability to cease all emissions from the ESVs, either directly or through the facilities of a U.S. NCMC or a NCMC located in another country with which the United States has a bilateral agreement that enables such cessation of emissions.

(3) ESV NCMC operators communicating with ESVs on vessels of foreign registry must maintain detailed information on each such vessel's country of registry and a point of contact for the relevant administration responsible for licensing those ESVs.

(f) For all VMES operations, there must be a point of contact in the United States, with phone number and address, available 24 hours a day, seven days a week, with authority and ability to cease all emissions from the VMESs.

(g) The following requirements govern all ESAA operations.

(1) There must be a point of contact in the United States, with phone number and address, available 24 hours a day, seven days a week, with authority and ability to cease all emissions from the ESAAs.

(2) All ESAA terminals operated in U.S. airspace, whether on U.S.-registered civil aircraft or non-U.S.-registered civil aircraft, must be licensed by the Commission. All ESAA terminals on U.S.-registered civil aircraft operating outside of U.S. airspace must be licensed by the Commission, except as provided by section 303(t) of the Communications Act.

(3) Prior to operations within a foreign nation's airspace, the ESAA operator must ascertain whether the relevant administration has operations that could be affected by ESAA terminals, and must determine whether that administration has adopted specific requirements concerning ESAA operations. When the aircraft enters foreign airspace, the ESAA terminal must operate under the Commission's rules, or those of the foreign administration, whichever is more constraining. To the extent that all relevant administrations have identified geographic areas from which ESAA operations would not affect their radio operations, ESAA operators may operate within those identified areas without

further action. To the extent that the foreign administration has not adopted requirements regarding ESAA operations, ESAA operators must coordinate their operations with any potentially affected operations.

(h) The following requirements govern all operations in the 3700–4200 MHz (space-to-Earth) and 5925–6425 MHz (Earth-to-space) frequency bands of ESVs receiving from or transmitting to GSO satellites in the Fixed-Satellite Service.

(1) ESVs must not operate in the 5925–6425 MHz (Earth-to-space) and 3700–4200 MHz (space-to-Earth) frequency bands on vessels smaller than 300 gross tons.

(2) ESV operators transmitting in the 5925–6425 MHz (Earth-to-space) frequency band to GSO satellites in the Fixed-Satellite Service (FSS) must not seek to coordinate, in any geographic location, more than 36 megahertz of uplink bandwidth on each of no more than two GSO FSS satellites.

(3) ESVs, operating while docked, for which coordination with terrestrial stations in the 3700–4200 MHz band is completed in accordance with § 25.251, will receive protection from such terrestrial stations in accordance with the coordination agreements, for 180 days, renewable for 180 days.

(4) ESVs in motion must not claim protection from harmful interference from any authorized terrestrial stations to which frequencies are already assigned, or any authorized terrestrial station to which frequencies may be assigned in the future in the 3700–4200 MHz (space-to-Earth) frequency band.

(5) ESVs operating within 200 km from the baseline of the United States, or within 200 km from a U.S.-licensed fixed service offshore installation, must complete coordination with potentially affected U.S.-licensed fixed service operators prior to operation. The coordination method and the interference criteria objective will be determined by the frequency coordinator. The details of the coordination must be maintained and available at the frequency coordinator, and must be filed with the Commission electronically via the International Bureau Filing System (<http://licensing.fcc.gov/myibfs/>) to be placed on public notice. The coordination notifications must be filed in the form of a statement referencing the relevant call signs and file numbers. Operation of each individual ESV may commence immediately after the public notice that identifies the notification sent to the Commission is released. Continuance of operation of that ESV for the duration of the coordination term must be

dependent upon successful completion of the normal public notice process. If, prior to the end of the 30-day comment period of the public notice, any objections are received from U.S.-licensed Fixed Service operators that have been excluded from coordination, the ESV licensee must immediately cease operation of that particular station on frequencies used by the affected U.S.-licensed Fixed Service station until the coordination dispute is resolved and the ESV licensee informs the Commission of the resolution. As used in this section, "baseline" means the line from which maritime zones are measured. The baseline is a combination of the low-water line and closing lines across the mouths of inland water bodies and is defined by a series of baseline points that include islands and "low-water elevations," as determined by the U.S. Department of State's Baseline Committee.

(6) An ESV must automatically cease transmission if the ESV operates in violation of the terms of its coordination agreement, including, but not limited to, conditions related to speed of the vessel or if the ESV travels outside the coordinated area, if within 200 km from the baseline of the United States, or within 200 km from a U.S.-licensed fixed service offshore installation. Transmissions may be controlled by the ESV network control and monitoring center. The frequency coordinator may decide whether ESV operators should automatically cease transmissions if the vessel falls below a prescribed speed within a prescribed geographic area.

(7) ESV transmissions in the 5925–6425 MHz (Earth-to-space) band shall not exceed an e.i.r.p. spectral density towards the radio-horizon of 17 dBW/MHz, and shall not exceed an e.i.r.p. towards the radio-horizon of 20.8 dBW. The ESV network shall shut-off the ESV transmitter if either the e.i.r.p. spectral density towards the radio-horizon or the e.i.r.p. towards the radio-horizon is exceeded.

(i) For ESAA transmissions in the 14.0–14.5 GHz band from international airspace within line-of-sight of the territory of a foreign administration where fixed service networks have primary allocation in this band, the maximum power flux density (pfd) produced at the surface of the Earth by emissions from a single aircraft carrying an ESAA terminal must not exceed the following values unless the foreign Administration has imposed other conditions for protecting its fixed service stations:

- 132 + 0.5 · θ	dB(W/(m ² · MHz))	For	θ ≤ 40°
- 112	dB(W/(m ² · MHz))	For	40° ≤ θ ≤ 90°

Where: θ is the angle of arrival of the radio-frequency wave (degrees above the horizontal) and the aforementioned limits relate to the pfd under free-space propagation conditions.

(j) The following requirements govern all ESIMs transmitting to GSO satellites in the Fixed-Satellite Service in the 14.0–14.5 GHz band.

(1) Operations of ESIMs in the 14.0–14.2 GHz (Earth-to-space) frequency band within 125 km (for ESVs and VMESs) or within radio line of sight (for ESAAs) of the NASA TDRSS facilities on Guam (latitude 13°36'55" N., longitude 144°51'22" E.), White Sands, New Mexico (latitude 32°20'59" N., longitude 106°36'31" W. and latitude 32°32'40" N., longitude 106°36'48" W.), or Blossom Point, Maryland (latitude 38°25'44" N., longitude 77°05'02" W.) are subject to coordination with the National Aeronautics and Space Administration (NASA) through the National Telecommunications and Information Administration (NTIA) Interdepartment Radio Advisory Committee (IRAC). Licensees must notify the International Bureau once they have completed coordination. Upon receipt of such notification from a licensee, the International Bureau will issue a public notice stating that the licensee may commence operations within the coordination zone in 30 days

if no party has opposed the operations. When NTIA seeks to provide similar protection to future TDRSS sites that have been coordinated through the IRAC Frequency Assignment Subcommittee process, NTIA will notify the Commission's International Bureau that the site is nearing operational status. Upon public notice from the International Bureau, all Ku-band ESIM licensees must cease operations in the 14.0–14.2 GHz band within 125 km (for ESVs and VMESs) or within radio line of sight (for ESAAs) of the new TDRSS site until the licensees complete coordination with NTIA/IRAC for the new TDRSS facility. Licensees must notify the International Bureau once they have completed coordination for the new TDRSS site. Upon receipt of such notification from a licensee, the International Bureau will issue a public notice stating that the licensee may commence operations within the coordination zone in 30 days if no party has opposed the operations. The ESIM licensee then will be permitted to commence operations in the 14.0–14.2 GHz band within 125 km (for ESVs and VMESs) or within radio line of sight (for ESAAs) of the new TDRSS site, subject to any operational constraints developed in the coordination process.

(2) Within 125 km (for ESVs and VMESs) or within radio line of sight (for

ESAAs) of the NASA TDRSS facilities identified in paragraph (j)(1) of this section, ESIM transmissions in the 14.0–14.2 GHz (Earth-to-space) band shall not exceed an e.i.r.p. spectral density towards the horizon of 12.5 dBW/MHz, and shall not exceed an e.i.r.p. towards the horizon of 16.3 dBW.

(3) Operations of ESIMs in the 14.47–14.5 GHz (Earth-to-space) frequency band in the vicinity (for ESVs and VMESs) or within radio line of sight (for ESAAs) of radio astronomy service (RAS) observatories observing in the 14.47–14.5 GHz band are subject to coordination with the National Science Foundation (NSF). The appropriate NSF contact point to initiate coordination is Electromagnetic Spectrum Manager, NSF, 4201 Wilson Blvd., Suite 1045, Arlington VA 22203, fax 703–292–9034, email *esm@nsf.gov*. Licensees must notify the International Bureau once they have completed coordination. Upon receipt of the coordination agreement from a licensee, the International Bureau will issue a public notice stating that the licensee may commence operations within the coordination zone in 30 days if no party has opposed the operations. Table 1 provides a list of each applicable RAS site, its location, and the applicable coordination zone.

TABLE 1—APPLICABLE RADIO ASTRONOMY SERVICE (RAS) FACILITIES AND ASSOCIATED COORDINATION DISTANCES

Observatory	Latitude (north)	Longitude (west)	Radius (km) of coordination zone
Arecibo, Observatory, Arecibo, PR	18°20'37"	66°45'11"	Island of Puerto Rico.
Green Bank, WV	38°25'59"	79°50'23"	160.
Very Large Array, near Socorro, NM	34°04'44"	107°37'06"	160.
Pisgah Astronomical Research Institute, Rosman, NC	35°11'59"	82°52'19"	160.
U of Michigan Radio Astronomy Observatory, Stinchfield Woods, MI.	42°23'56"	83°56'11"	160.
Very Long Baseline Array (VLBA) stations:			
Owens Valley, CA	37°13'54"	118°16'37"	160.*
Mauna Kea, HI	19°48'05"	155°27'20"	50.
Brewster, WA	48°07'52"	119°41'00"	50.
Kitt Peak, AZ	31°57'23"	111°36'45"	50.
Pie Town, NM	34°18'04"	108°07'09"	50.
Los Alamos, NM	35°46'30"	106°14'44"	50.
Fort Davis, TX	30°38'06"	103°56'41"	50.
North Liberty, IA	41°46'17"	91°34'27"	50.
Hancock, NH	42°56'01"	71°59'12"	50.
St. Croix, VI	17°45'24"	64°35'01"	50.

* Owens Valley, CA operates both a VLBA station and single-dish telescopes.

When NTIA seeks to provide similar protection to future RAS sites that have been coordinated through the IRAC Frequency Assignment Subcommittee process, NTIA will notify the

Commission's International Bureau that the site is nearing operational status. Upon public notice from the International Bureau, all Ku-band ESIMs licensees must cease operations in the

14.47–14.5 GHz band within the relevant geographic zone (160 kms for single-dish radio observatories and Very Large Array antenna systems and 50 kms for Very Long Baseline Array

antenna systems for ESVs and VMESs, radio line of sight for ESAAs) of the new RAS site until the licensees complete coordination for the new RAS facility. Licensees must notify the International Bureau once they have completed coordination for the new RAS site and must submit the coordination agreement to the Commission. Upon receipt of such notification from a licensee, the International Bureau will issue a public notice stating that the licensee may commence operations within the coordination zone in 30 days if no party opposed the operations. The ESIMs licensee then will be permitted to commence operations in the 14.47–14.5 GHz band within the relevant coordination distance around the new RAS site, subject to any operational constraints developed in the coordination process.

(4) ESIMs licensees must use Global Positioning Satellite-related or other similar position location technology to ensure compliance with the provisions of subparagraphs 1–3 of this paragraph.

■ 22. Amend § 25.258 by revising paragraph (b) to read as follows:

§ 25.258 Sharing between NGSO MSS feeder-link stations and GSO FSS services in the 29.25–29.5 GHz band.

* * * * *

(b) Licensed GSO FSS earth stations in the vicinity of operational NGSO MSS feeder-link earth station complexes must, to the maximum extent possible, operate with frequency/polarization selections that will minimize unacceptable interference with reception of GSO FSS and NGSO MSS uplink transmissions in the 29.25–29.5 GHz band. Earth station licensees operating with GSO FSS systems shall be capable of providing earth station locations to support coordination of NGSO MSS feeder link stations under paragraphs (a) and (c) of this section. Operation of ubiquitously deployed GSO FSS earth stations in the 29.25–29.5 GHz frequency band must conform to the rules contained in § 25.218(i).

* * * * *

§ 25.287 [Amended].

■ 23. Amend § 25.287 by removing paragraph (d).

■ 24. Add § 25.289 to read as follows:

§ 25.289 Responsibility of licensee for blanket-licensed earth station operation.

The holder of an FCC blanket earth station license is responsible for operation of any earth station under that license. Operators of satellite networks and systems must not transmit communications to or from such earth stations in the United States unless such communications are authorized under a service contract with the holder of a pertinent FCC blanket earth station license or under a service contract with another party with authority for such operation delegated by such a blanket licensee.

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Notices

Federal Register

Vol. 82, No. 115

Friday, June 16, 2017

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Request for Nominations of Members for the National Agricultural Research, Extension, Education, and Economics Advisory Board, Specialty Crop Committee, and National Genetics Advisory Council

AGENCY: Research, Education, and Economics, USDA.

ACTION: Solicitation for membership.

SUMMARY: In accordance with the Federal Advisory Committee Act, 5 U.S.C. App., the United States Department of Agriculture announces the solicitation for nominations to fill vacancies on the National Agricultural Research, Extension, Education, and Economics Advisory Board and its subcommittees. There are 9 vacancies on the NAREEE Advisory Board; 3 vacancies on the Specialty Crop Committee; 3 vacancies on the Citrus Disease Subcommittee; and 3 vacancies on the National Genetics Advisory Council.

DATES: All nomination materials should be submitted in a single, complete package and received or postmarked by July 31, 2017.

ADDRESSES: The nominee's name, resume or CV, completed and signed Form AD-755, and any letters of support must be submitted via one of the following methods:

(1) Email to nareeeab@ars.usda.gov;

or
(2) By mail delivery service to Sonny Perdue, Secretary, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, DC 20250, Attn: NAREEE Advisory Board, Room 332A, Whitten Building.

FOR FURTHER INFORMATION CONTACT: Michele Esch, Director, National Agricultural Research, Extension, Education, and Economics Advisory Board, 1400 Independence Avenue SW.,

Room 332A, The Whitten Building, Washington, DC 20250-2255, telephone: 202-720-3684; fax: 202-720-6199; email: nareeeab@ars.usda.gov. Committee Web site: www.nareeeab.ree.usda.gov.

SUPPLEMENTARY INFORMATION:

Instructions for Nominations

Nominations are solicited from organizations, associations, societies, councils, federations, groups, and companies that represent a wide variety of food and agricultural interests throughout the country. Nominations for one individual who fits several of the categories listed above, or for more than one person who fits one category, will be accepted.

In your nomination letter, please indicate the specific membership category for each nominee if applying for the NAREEE Advisory Board or the subcommittee. Each nominee must submit a signed form AD-755, "Advisory Committee Membership Background Information" (which can be obtained from the contact person below or from: http://www.ocio.usda.gov/sites/default/files/docs/2012/AD-55_Master_2012_508%20Ver.pdf).

Nominations are open to all individuals without regard to race, color, religion, sex, national origin, age, mental or physical handicap, marital status, or sexual orientation. To ensure the recommendation of the Advisory Board take into account the needs of the diverse groups served by the USDA, membership shall include, to the extent practicable, individuals with demonstrated ability to represent the needs of all racial and ethnic groups, women and men, and persons with disabilities.

Please note, individuals may not serve on more than one USDA Federal Advisory Committee. As for Federal Register lobbyists, individuals appointed to the committees to exercise their own individual best judgment on behalf of the government (e.g., Special Government Employees) are ineligible to serve.

All nominees will be carefully reviewed for their expertise, leadership, and relevance. All nominees will be vetted before selection.

Appointments to the National Agricultural Research, Extension, Education, and Economics Advisory

Board and its subcommittees will be made by the Secretary of Agriculture.

National Agricultural Research, Extension, Education, and Economics Advisory Board

The National Agricultural Research, Extension, Education, and Economics Advisory Board was established in 1996 via Section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) to provide advice to the Secretary of Agriculture and land-grant colleges and universities on top priorities and policies for food and agricultural research, education, extension, and economics. Section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 was amended by the Farm Security and Rural Investment Act of 2002 to reduce the number of members on the National Agricultural Research, Extension, Education, and Economics Advisory Board to 25 members and required the Board to also provide advice to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Agriculture, Rural Development and Related Agencies of the Committee on Appropriations of the Senate.

Since the Advisory Boards inception by congressional legislation in 1996, each member has represented a specific category related to farming or ranching, food production and processing, forestry research, crop and animal science, land-grant institutions, non-land grant college or university with a historic commitment to research in the food and agricultural sciences, food retailing and marketing, rural economic development, and natural resource and consumer interest groups, among many others. The Board was first appointed by the Secretary of Agriculture in September 1996 and one-third of its members were appointed for a one, two, and three-year term, respectively. The terms for 9 members who represent specific categories will expire September 30, 2017. Nominations for a 3-year appointment for these 9 vacant categories are sought. All nominees will

be carefully reviewed for their expertise, leadership, and relevance to a category.

The 9 slots to be filled are:

- Category B. Farm Cooperatives
- Category D. Plant Commodity Producer
- Category E. National Aquaculture Association
- Category H. National Food Science Organization
- Category J. National Nutritional Science Society
- Category K. 1862 Land-Grant Colleges and Universities
- Category V. National Forestry Group
- Category W. National Conservation or Natural Resource Group
- Category Y. National Social Science Association

Specialty Crop Committee

The Specialty Crop Committee was created as a subcommittee of the National Agricultural Research, Extension, Education, and Economics Advisory Board in accordance with the Specialty Crops Competitiveness Act of 2004 under Title III, Section 303 of Public Law 108–465. The committee was formulated to study the scope and effectiveness of research, extension, and economics programs affecting the specialty crop industry. The legislation defines “specialty crops” as fruits, vegetables, tree nuts, dried fruits and nursery crops (including floriculture). The Agricultural Act of 2014 further expanded the scope of the Specialty Crop Committee to provide advice to the Secretary of Agriculture on the relevancy review process of the Specialty Crop Research Initiative, a granting program of the National Institute of Food and Agriculture.

Members should represent the breadth of the specialty crop industry. 6 members of the Specialty Crop Committee are also members of the National Agricultural Research, Extension, Education, and Economics Advisory Board and 6 members represent various disciplines of the specialty crop industry.

The terms of 3 members will expire on September 30, 2017. The Specialty Crop Committee is soliciting nominations to fill 3 vacant positions to represent the specialty crop industry. Appointed members will serve 3 years with their terms expiring in September 2020.

National Genetic Resources Advisory Council

The National Genetic Resources Advisory Council was re-established in 2012 as a permanent subcommittee of the National Agricultural Research, Extension, Education, and Economics Advisory Board to formulate recommendations on actions and

policies for the collection, maintenance, and utilization of genetic resources; to make recommendations for coordination of genetic resources plans of several domestic and international organizations; and to advise the Secretary of Agriculture and the National Genetic Resources Program, part of the Agricultural Research Service, of new and innovative approaches to genetic resources conservation.

The National Genetic Resources Advisory Council membership is required to have two-thirds of the appointed members from scientific disciplines relevant to the National Genetic Resources Program including agricultural sciences, environmental sciences, natural resource sciences, health sciences, and nutritional sciences; and one-third of the appointed members from the general public including leaders in fields of public policy, trade, international development, law, or management.

The terms of 3 members of the National Genetic Resources Advisory Council will expire on September 30, 2017. We are seeking nominations for a 3-year appointment effective October 1, 2017 through September 30, 2020. The 3 slots to be filled are to be composed of 2 scientific members and 1 general public member.

Citrus Disease Subcommittee

The Citrus Disease Subcommittee was established by the Agricultural Act of 2014 (Sec. 7103) to advise the Secretary of Agriculture on citrus research, extension, and development needs, engage in regular consultation and collaboration with USDA and other organizations involved in citrus, and provide recommendations for research and extension activities related to citrus disease. The Citrus Disease Subcommittee will also advise the Department on the research and extension agenda of the Emergency Citrus Disease Research and Extension Program, a granting program of the National Institute of Food and Agriculture.

The subcommittee is composed of 9 members who *must* be a producer of citrus with representation from the following States: Three members from Arizona or California, five members from Florida, and one member from Texas.

The terms of 3 Citrus Disease Subcommittee will expire on September 30, 2017. The Citrus Disease Subcommittee is soliciting nominations to fill 3 vacant positions for membership; 1 position is to represent Florida, 1 position is to represent California or

Arizona, and 1 position is to represent Texas. Appointed members will serve 3 years with their terms expiring in September 2020.

Done at Washington, DC, this 8th day of June 2017.

Ann Bartuska,

Acting Under Secretary, Research, Education, and Economics.

[FR Doc. 2017–12505 Filed 6–15–17; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 13, 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 17, 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.

Office of Communications

Title: Event Appearance Request for the Secretary or Members of his Staff.

OMB Control Number: 0506–New.

Summary of Collection: The Office of Communication has created a web form that collects information on events that the public would like the Secretary or members of his staff to participate in, or those in which the incoming Secretary or members of his staff may want to use to reach back out to interested parties to invite them to events. The following information will be collected: Organization, Address, Phone/Cell Number, First and last name of point of contact, Email Address, Type of event, Date of event, Event location, Secretary's role, Number of attendees, Press open or closed.

Need and Use of the Information: The information will be used to review, approve, delegate and regret events for the Secretary and members of his staff. The information will come from public, businesses, not-for profit organizations; state, local or tribal governments. The information will be collected using a web form. The information will be collected on a daily basis. If the information is not collected, events would not be properly scheduled for the Secretary or member of his staff and therefore would not be able to inform the Secretary or members of his staff of incoming event requests.

Description of Respondents: Individuals; Businesses; Not-for profit; State, Local or Tribal Government.

Number of Respondents: 5,000.

Frequency of Responses: Reporting; Other.

Total Burden Hours: 2,500.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–12491 Filed 6–15–17; 8:45 am]

BILLING CODE 3410–13–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0043]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Importation of Hass Avocados From Mexico

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for the importation of Hass avocados from Mexico.

DATES: We will consider all comments that we receive on or before August 15, 2017.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0043>.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0043, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0043> or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the importation of Hass avocados from Mexico, contact Dr. Robert Baca, Assistant Director, Permitting and Compliance Coordination, Compliance and Environmental Coordination Branch, PPQ, APHIS, 4700 River Road, Unit 150, Riverdale, MD 20737; (301) 851–2292. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Importation of Hass Avocados From Mexico.

OMB Control Number: 0579–0129.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the

introduction of plant pests into the United States or their dissemination within the United States. As authorized by the PPA, the Animal and Plant Health Inspection Service regulates the importation of fruits and vegetables into the United States from certain parts of the world as provided in “Subpart—Fruits and Vegetables” (7 CFR 319.56–1 through 319.56–76).

Section 319.56–30 provides the requirements for the importation of Hass avocados from Mexico, under certain conditions. These requirements include information collection activities, such as workplans, phytosanitary certificates, trust funds, import permits, box markings, an approved municipality listing and municipality surveys, packinghouse registration, orchard and grower registration, orchard surveys, field records, container seals, stickers on fruit, a training program for personnel in surveying, pest detection investigations, port of entry inspections, post-harvest inspections, and recordkeeping.

We have revised the title of this collection from “Importation of Hass Avocados From Michoacán, Mexico,” to “Importation of Hass Avocados From Mexico” to more accurately reflect the title of § 319.56–30.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

- (1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

- (2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

- (3) Enhance the quality, utility, and clarity of the information to be collected; and

- (4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.*, permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.006 hours per response.

Respondents: Importers, shippers, State officials, and the national plant protection organization of Mexico.

Estimated annual number of respondents: 3,167.

Estimated annual number of responses per respondent: 22,768.

Estimated annual number of responses: 72,107,085.

Estimated total annual burden on respondents: 446,070 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 12th day of June 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017-12533 Filed 6-15-17; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2017-0042]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Export Certification: Accreditation of Nongovernment Facilities

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with accrediting nongovernment facilities to perform services related to the export of plants or plant products.

DATES: We will consider all comments that we receive on or before August 15, 2017.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov#!docketDetail;D=APHIS-2017-0042>.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS-2017-0042, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

Supporting documents and any comments we receive on this docket

may be viewed at <http://www.regulations.gov#!docketDetail;D=APHIS-2017-0042> or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799-7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on accrediting nongovernment facilities to perform plant related export services, contact Dr. Robert Baca, Assistant Director, Permitting and Compliance Coordination, Compliance and Environmental Coordination Branch, PPQ, APHIS, 4700 River Road, Unit 150, Riverdale, MD 20737; (301) 851-2292. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851-2483.

SUPPLEMENTARY INFORMATION:

Title: Export Certification: Accreditation of Nongovernment Facilities.

OMB Control Number: 0579-0130.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The Animal and Plant Health Inspection Service (APHIS), among other things, provides export certification services to assure other countries that the plants and plant products they are receiving from the United States are free of plant pests specified by the receiving country. This activity is authorized by the Plant Protection Act (7 U.S.C. 7701 *et seq.*).

The export certification regulations, which are contained in 7 CFR part 353, describe the procedures for obtaining certification for plants and plant products offered for export or reexport. Our regulations do not require that we engage in export certification activities; however, we perform this work as a service to exporters who are shipping plants or plant products to countries that require phytosanitary certification as a condition of entry.

After assessing the condition of the plants or plant products intended for export (*i.e.*, after conducting a phytosanitary inspection), an inspector will issue an internationally recognized phytosanitary certificate, a phytosanitary certificate for reexport, or an export certificate for processed plant products. An important component of the certification process, when required,

is laboratory testing of plant or plant product samples.

The regulations allow nongovernment facilities (such as commercial laboratories and private inspection services) to be accredited by APHIS to perform specific laboratory testing or phytosanitary inspections that could serve as the basis for issuing Federal phytosanitary certificates, phytosanitary certificates for reexport, or export certificates for processed plant products. The accreditation process requires the use of several information collection activities to ensure that nongovernment facilities applying for accreditation possess the necessary qualifications.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

- (1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

- (2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

- (3) Enhance the quality, utility, and clarity of the information to be collected; and

- (4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.*, permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 3.49 hours per response.

Respondents: U.S. growers, shippers, exporters, and State and local plant health regulatory authorities.

Estimated annual number of respondents: 8.

Estimated annual number of responses per respondent: 7.13.

Estimated annual number of responses: 57.

Estimated total annual burden on respondents: 199 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, on June 12, 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017-12538 Filed 6-15-17; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2017-0044]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Importation of Cape Gooseberry From Colombia Into the United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for the importation of cape gooseberry from Colombia into the United States.

DATES: We will consider all comments that we receive on or before August 15, 2017.

ADDRESSES: You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0044>.

- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS-2017-0044, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0044> or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799-7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations for the importation of cape gooseberry from Colombia into the United States, contact Dr. Robert Baca, Assistant Director,

Permitting and Compliance Coordination, Compliance and Environmental Coordination Branch, PPQ, APHIS, 4700 River Road Unit 150, Riverdale, MD 20737; (301) 851-2292. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851-2483.

SUPPLEMENTARY INFORMATION:

Title: Importation of Cape Gooseberry From Colombia Into the United States.

OMB Control Number: 0579-0411.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. As authorized by the PPA, the Animal and Plant Health Inspection Service regulates the importation of fruits and vegetables into the United States from certain parts of the world as provided in "Subpart—Fruits and Vegetables" (7 CFR 319.56-1 through 319.56-76).

In accordance with § 319.56-67, cape gooseberry from Colombia may be imported into the United States under certain conditions to prevent the introduction of plant pests into the United States. The conditions include the establishment of pest-free places of production, labeling of boxes prior to shipping, and importation in commercial consignments. The importation also involves certain information collection activities, such as a bilateral workplan, production site registration, trapping, recordkeeping, phytosanitary inspections, and a phytosanitary certificate issued by the national plant protection organization (NPPO) of Colombia certifying that the fruit has been produced in accordance with the regulations.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

- (1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

- (2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

- (3) Enhance the quality, utility, and clarity of the information to be collected; and

- (4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.*, permitting electronic submission of responses.

Estimate of Burden: The public reporting burden for this collection of information is estimated to average 0.003 hours per response.

Respondents: Producers and shippers of cape gooseberry from Colombia and the NPPO of Colombia.

Estimated Annual Number of Respondents: 424.

Estimated Annual Number of Responses Per Respondent: 2,006.

Estimated Annual Number of Responses: 850,409.

Estimated Total Annual Burden on Respondents: 2,880 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 12th day of June 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017-12532 Filed 6-15-17; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS-2017-0003]

Changes to the Inspection Coverage in Official Establishments That Slaughter Fish of the Order Siluriformes

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments; extension of comment period.

SUMMARY: The Food Safety and Inspection Service (FSIS) is extending until July 17, 2017, the comment period for its plan to adjust inspection coverage at official establishments that slaughter fish of the order Siluriformes, which include catfish, from all hours of operation to once per production shift.

DATES: Submit comments on or before July 17, 2017.

ADDRESSES: FSIS invites interested persons to submit comments relevant to adjusting inspection coverage as discussed and outlined in this notice. Only comments addressing the scope of this notice will be considered. Comments may be submitted by one of the following methods:

Federal eRulemaking Portal: This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to <http://www.regulations.gov/>. Follow the on-line instructions at that site for submitting comments.

Mail, CD-ROMs: Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Patriots Plaza 3, 1400 Independence Avenue SW., Mailstop 3782, Room 8-163B, Washington, DC 20250-3700.

Hand- or courier-delivered submittals: Deliver to Patriots Plaza 3, 355 E. Street SW., Room 8-163A, Washington, DC 20250-3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS-2017-0003. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to <http://www.regulations.gov>.

Docket: For access to background documents or to comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E. Street SW., Room 164-A, Washington, DC 20250-3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Rachel Edelstein, Deputy Assistant Administrator, Office of Policy and Program Development; Telephone: (202) 205-0495, or by Fax: (202) 720-2025.

Background

On May 17, 2017, FSIS published a notice announcing that it will be adjusting its inspection coverage at official Siluriformes fish slaughter establishments, starting September 1, 2017, the date of full enforcement of the regulatory requirements for fish, from all hours of operation to once per production shift. This decision is based on the Agency's experience inspecting fish slaughter establishments since implementing the mandatory inspection program on March 1, 2016. FSIS requested comment on this decision on or before June 16, 2017.

A consumer advocacy organization requested that FSIS extend the comment

period by 30 days, while it researches the implications of the decision, so as to make informed comments. FSIS agrees to extend the comment period. The comment period will now end on July 17, 2017.

USDA Nondiscrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf, or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250-9410.

Fax: (202) 690-7442.

Email: program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Additional Public Notification

FSIS will announce this notice online through the FSIS Web page located at <http://www.fsis.usda.gov/federal-register>.

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at

<http://www.fsis.usda.gov/subscribe>. Options range from recalls to export information to regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done at Washington, DC, on June 13, 2017.

Alfred V. Almanza,

Administrator.

[FR Doc. 2017-12556 Filed 6-15-17; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS-2017-0016]

Availability of FSIS Compliance Guidelines for Small and Very Small Meat and Poultry Establishments Regarding Lethality and Stabilization in Meat and Poultry Products (Previously Referred to as Appendices A and B)

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of availability and request for comment

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing the availability of and requesting comments on two updated compliance guidelines for small and very small businesses. The new guidelines will assist small and very small meat and poultry establishments understand and comply with the regulatory requirements associated with the destruction of *Salmonella* and other pathogens (lethality) in ready-to-eat (RTE) products and the control of pathogen growth in heat-treated RTE and not-ready-to-eat (NRTE) products during cooling and hot-holding (stabilization). FSIS is including the time-temperature tables and cooling options in these guidelines that were previously in Appendices A and B, originally made available in 1999, along with new recommendations establishments can use to achieve lethality and stabilization of these products.

DATES: Submit Comments on or before August 15, 2017.

ADDRESSES: Downloadable versions of the compliance guidelines are available to view and print at <https://www.fsis.usda.gov/wps/wcm/connect/bf3f01a1-a0b7-4902-a2df-a87c73d1b633/Salmonella-Compliance-Guideline-SVSP-;RTE-Appendix-A.pdf?MOD=AJPERES> and <https://www.fsis.usda.gov/wps/wcm/connect/>

9ac49aba-46bc-443c-856b-59a3f51b924f/Compliance-Guideline-Stabilization-Appendix-B.pdf?MOD=AJPERES once copies of the guidelines have been published. FSIS invites interested persons to submit comments on this guidance. Comments may be submitted by one of the following methods:

Federal eRulemaking Portal: This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to <http://www.regulations.gov/>. Follow the on-line instructions at that site for submitting comments.

Mail, including CD-ROMs: Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Patriots Plaza 3, 1400 Independence Avenue SW., Mailstop 3782, Room 8-163B, Washington, DC 20250-3700.

Hand- or courier-delivered submittals: Deliver to Patriots Plaza 3, 355 E Street SW., Room 8-163A, Washington, DC 20250-3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name, FSIS, and document title: FSIS Compliance Guideline for Stabilization (Cooling and Hot-Holding) of Fully and Partially Heat-Treated RTE and NRTE Meat and Poultry Products Produced by Small and Very Small Establishments and Revised Appendix B 2017 Compliance Guideline. Comments received will be made available for public inspection and posted without change, including any personal information, to <http://www.regulations.gov>.

Docket: For access to background documents or to comment received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E Street SW., Room 164-A, Washington, DC 20250-3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

For Further Information Contact: Roberta Wagner, Assistant Administrator, Office of Policy and Program Development; Telephone: (202) 205-0495.

SUPPLEMENTARY INFORMATION:

Background

FSIS is making available an updated compliance guideline regarding the requirements for the destruction of *Salmonella* and other pathogens (lethality) in RTE meat and poultry products, entitled *FSIS Salmonella Compliance Guideline for Small and Very Small Meat and Poultry Establishments that Produce Ready-to-Eat (RTE) Products and Revised Appendix A*. The updated guideline

provides clarification regarding options for establishments to support an alternative lethality (*i.e.*, at least a 5-log reduction of *Salmonella*, rather than a 6.5-log reduction) for roast, cooked, and corned beef per 9 CFR 318.17(a)(1); a definition of “pasteurization” and guidance on how establishments can label products as “pasteurized”; and updated information gathered from FSIS Food Safety Assessments (FSAs), which are in-depth assessments of establishments’ food safety systems to verify that regulatory requirements are met. The guideline also combines and replaces information from the following previously issued guidance documents:

- Appendix A Compliance Guidelines for Meeting Lethality Performance Standards for certain Meat and Poultry Products.
- Appendix A Guidance on Relative Humidity and Time/Temperature for Cooking/Heating and Applicability to Production of Other Ready-to-Eat Meat and Poultry Products (Appendix A Humidity Guidance).
- Time-Temperature Tables for Cooking Ready-to-Eat Poultry Products.
- FSIS Guidance on Safe Cooking of Non-Intact Meat Chops, Roasts, and Steaks (5-log Table).

FSIS also is making available an updated guideline on the control of pathogen growth in heat-treated RTE and NRTE meat and poultry products during cooling and hot-holding (stabilization), entitled *FSIS Compliance Guideline for Stabilization (Cooling and Hot-Holding) of Fully and Partially Heat-Treated RTE and NRTE Meat and Poultry Products Produced by Small with Very Small Establishments and Revised Appendix B*. Hot-holding is the process of holding meat and poultry products at hot temperatures (typically above 130°F) prior to distribution. Although stabilization is commonly associated with RTE products, the concepts and many of the recommendations in this guideline can apply to heat-treated NRTE products as well.

This updated stabilization guideline contains recommendations previously found in FSIS Appendix B: Compliance Guidelines for Cooling Heat-Treated Meat and Poultry Products (Stabilization) and FSIS Directive 7110.3, Rev. 1, *Time/Temperature Guidelines for Cooling Heated Products*. It also contains additional guidance not previously found in either document, including:

- The regulatory requirements associated with stabilization (cooling and hot-holding);

- The scientific support documents available to help develop a safe process and product;
 - Recommended corrective actions in the event of a cooling deviation; and
 - Additional options for cooling meat and poultry products, including requesting a waiver.
- Specifically in regard to waivers, this stabilization guideline describes information that establishments may use to request a waiver from the regulatory performance standards in 9 CFR 318.17(a)(2), 318.23(b)(3)(ii)(c), and 381.150(a)(2) to allow up to a 2-log₁₀ multiplication of *C. perfringens* within a product, provided no multiplication of *C. botulinum* occurs. The Agency will evaluate waiver requests and use this information to potentially amend the regulations. Notably, FSIS has determined that establishments do not have to provide data that allowing up to 2-log₁₀ multiplication of *C. perfringens* will result in no multiplication of *C. botulinum* as part of the waiver request.

Small Business Regulatory Flexibility Act Compliance

Both guidance documents are targeting small and very small establishments in support of the Small Business Administration’s initiative to provide small and very small establishments with compliance assistance under the Small Business Regulatory Flexibility Act (SBRFA). It is important that small and very small establishments have access to the scientific and technical support needed to establish safe and effective HACCP systems. However, all FSIS regulated meat and poultry establishments may be able to apply the recommendations in this guideline.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS Web page located at: <http://www.fsis.usda.gov/federal-register>.

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides

automatic and customized access to selected food safety news and information. This service is available at: <http://www.fsis.usda.gov/subscribe>. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password-protect their accounts.

USDA Nondiscrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination, any person in the United States under any program or activity conducted by the USDA.

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at: http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf, or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250-9410.

Fax: (202) 690-7442.

Email: program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Done at Washington, DC on: June 8, 2017.

Alfred V. Almanza,
Administrator.

[FR Doc. 2017-12563 Filed 6-15-17; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Forest Service

National Urban and Community Forestry Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The National Urban and Community Forestry Advisory Council (Council) will meet in Flushing, New York. The Council is authorized by the Cooperative Forestry Assistance Act, and the Federal Advisory Committee Act (FACA). Additional information

concerning the Council, can be found by visiting the Council's Web site at: <http://www.fs.fed.us/ucf/nucfac.shtml>.

DATES: The meeting will be held on the following dates and times:

- Tuesday, July 18, 2017 from 8:30 a.m. to 4:30 p.m. (EDT)
- Wednesday, July 19, 2017 from 9:00 a.m. to 5:00 p.m. (EDT), and
- Thursday, July 20, 2017 from 9:00 a.m. to 12:00 noon (EDT) or until Council business is completed.

All meetings are subject to cancellation. For an updated status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at various sites, *i.e.*, the Queens Botanical Garden, in the Meeting Room, 43-50 Main Street, Flushing, New York, the U.S. Forest Service, New York City Field Station, 431 Walter Reed Road, Building 431, in the Upstairs Conference Room, Bayside Queens, New York, and the Bronx site visit tour.

Written comments concerning this meeting should be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses, when provided, are placed in the record and available for public inspection and copying. The public may inspect comments received at the USDA Forest Service, Sidney Yates Building, Room 3SC-01B, 201 14th Street SW., Washington, DC 20024. Please call ahead at (202) 309-9873 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT:

Nancy Stremple, Executive Staff, National Urban and Community Forestry Advisory Council, Sidney Yates Building, Room 3SC-01C, 201 14th Street SW., Washington, DC 20024, by cell telephone at 202-309-9873, or by email at nstremple@fs.fed.us, or via facsimile at 202-690-5792. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Introduce new members;
2. Develop the 2017 Accomplishment and Recommendations;
3. Update status of the 2018 grant review;
4. Meet and listen to local constituents urban forestry concerns or opportunities;
5. Provide updates on the implementation of the Ten Year Urban Forestry Action Plan (2016-2026); and
6. Receive Forest Service budget and program updates.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should submit a request in writing by Tuesday, July 11, 2017, to be scheduled on the agenda. Council discussion is limited to Forest Service staff and Council members, however anyone who would like to bring urban and community forestry matters to the attention of the Council may file written statements with the Council's staff before or after the meeting. Written comments and time requests for oral comments must be sent to Nancy Stemple, Executive Staff, National Urban and Community Forestry Advisory Council, Sidney Yates Building, Room 3SC-01C, 201 14th Street SW., Washington, DC 20024, or by email at nstremple@fs.fed.us.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled For Further Information Contact. All reasonable accommodation requests are managed on a case by case basis.

Dated: June 12, 2017.

Patti Hiram,

Associate Deputy Chief, State and Private Forestry.

[FR Doc. 2017-12479 Filed 6-15-17; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Compliance Examination Procedures for Rural Business Investment Companies Under the Rural Business Investment Program

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: This Notice identifies the examination procedures that the Rural Business-Cooperative Service (the Agency) will use for non-leveraged Rural Business Investment Companies (RBICs) within the Rural Business Investment Program (RBIP).

FOR FURTHER INFORMATION CONTACT:

Information on this Notice may be obtained by contacting David Chesnick, Program Manager, Rural Business Investment Program, Specialty Programs Division, U.S. Department of Agriculture, Room 4221-S, 1400

Independence Avenue SW., Washington, DC 20250–3226, at (202) 690–0433. You may also obtain detailed information on RBIP found on the Agency's Web site at <http://www.rd.usda.gov/programs-services/rural-business-investment-program>.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 defines “collection of information” as a requirement for “answers to * * * identical reporting or recordkeeping requirements imposed on ten or more persons” (44 U.S.C. 3502(3)(A)). The collection requirement associated with this Notice is expected to receive less than 10 respondents and therefore the Act does not apply.

Overview Information

Federal Agency Name. Rural Business-Cooperative Service.

Opportunity Title. Rural Business Investment Program for Non-leveraged RBICs.

Announcement Type. Subsequent announcement.

Catalog of Federal Domestic Assistance (CFDA) Number. The CFDA number for the program impacted by this action is 10.860, RBIP.

Dates. The Agency will conduct compliance exams on an annual basis, or until such time the Agency determines otherwise.

Availability of Notice. This Notice is available on the USDA Rural Development Web site at: <http://www.rd.usda.gov/programs-services/rural-business-investment-program>.

I. Background

Subtitle H of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 2009cc *et seq.*) establishes RBIP.

The terms defined in 7 CFR part 4290 are applicable to this Notice.

The RBIP promotes rural economic development through venture capital investment by for-profit RBICs. The mission of the RBIP is to encourage economic growth, innovation, and entrepreneurship by sharing in the financial success of privately owned and managed venture capital investment funds, for the benefit of America's small rural businesses and the customers and communities they serve.

Under RBIP, USDA may license RBICs as either leveraged or non-leveraged. The Agency began accepting applications for non-leveraged status under RBIP on August 6, 2012.

The purpose of this Notice is to define the scope of the annual compliance

review for each operating non-leveraged RBIC.

All licensed RBICs are subject to regulatory compliance examinations by USDA under 7 CFR 4290.690. The examination objective is to evaluate and conclude whether the RBIC has appropriately complied with USDA program regulations in 7 CFR part 4290. The examination determines whether investments made by the RBIC were to eligible entities and for authorized purposes under program regulations.

II. Examination Provisions

This section of the Notice identifies the procedures the Agency will use in the compliance examination of non-leveraged RBICs.

Procedures

A. In accordance with 7 CFR 4290.690, the Agency will conduct each year an examination of each non-leveraged RBIC for the sole purpose of evaluating regulatory compliance.

B. The Agency will conduct these regulatory compliance examinations using Agency rules located in subparts G, H, and I—as modified by subpart O—of 7 CFR part 4290 for non-leveraged RBICs.

C. The Agency will apply the definitions of 7 CFR 4290.50 to RBIC examination reports and work papers.

D. The Agency will examine the operations of the RBIC; it will not examine the investors in the RBIC.

E. The Agency will determine whether each investment made by the RBIC is eligible based on the regulations defined in 7 CFR part 4290; the Agency will not examine the quality of the investments made by the RBIC.

F. The Agency will conduct the examination of a non-leveraged RBIC off-site, absent specific authorization from USDA for on-site visits.

G. The Agency will provide a copy of the final examination report and its conclusions to the RBIC.

H. If the portfolio concerns were determined to be ineligible under 7 CFR 4290.700(e) during the compliance examination, the RBIC will have until the end of their next fiscal year to remedy the non-compliance. If the RBIC fails to comply with the Secretary's remedy, the Agency may, in accordance with 7 CFR 4290.3041, revoke the license of the RBIC.

I. As amplified in this Notice, the Agency reviews the RBIC for regulatory compliance only. The Agency does not make any assessments, evaluations, warranties, or representations with respect to any aspect of the financial performance of the RBIP, its investments, or its investors, including

their financial strength, likelihood of success, or the quality of, or return on, any investments. The review done by the Agency is strictly for its sole benefit and not for the benefit of any third party. All participants and investors in RBIPs must do their own independent due diligence.

III. Nondiscrimination

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.*, Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

- (1) *Mail:* U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250–9410;
- (2) *Fax:* (202) 690–7442; or
- (3) *Email:* program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

Dated: June 12, 2017.

Chad Parker,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2017-12531 Filed 6-15-17; 8:45 am]

BILLING CODE 3410-XY-P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Georgia Advisory Committee

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 Georgia (State) Advisory Committee will hold a meeting on Tuesday, July 11, 2017, for discussing potential project implementation on the topic of civil rights and the Olmstead rule in Florida.

DATES: The meeting will be held on Tuesday July 11, 2017 at 2:00 p.m. EST.

ADDRESSES: The meeting will be by teleconference. Toll-free call-in number: 877-795-3638, conference ID: 4175532.

FOR FURTHER INFORMATION CONTACT: Jeff Hinton, DFO, at jhinton@usccr.gov or 404-562-7006.

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: 877-795-3638, conference ID: 4175532. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and 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 by July 7, 2017. Written comments may be mailed to the Southern Regional Office, U.S. Commission on Civil Rights, 61 Forsyth Street, Suite 16T126, Atlanta, GA 30303. They may also be faxed to the Commission at (404) 562-7005, or emailed to Regional Director, Jeffrey Hinton at jhinton@usccr.gov. Persons

who desire additional information may contact the Southern Regional Office at (404) 562-7000.

Records generated from this meeting may be inspected and reproduced at the Southern 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, Georgia Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's Web site, <http://www.usccr.gov>, or may contact the Southern Regional Office at the above email or street address.

Agenda

Welcome and Introductions
 Jeff Hinton, Regional Director; Jerry Gonzalez, Chair Georgia SAC
 Regional Update—Jeff Hinton
 Discussion of implementation process to the public hearing—
 Jerry Gonzalez, Chair Georgia SAC
 Staff/Advisory Committee
 Public comments
 Adjournment

Dated: June 12, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017-12486 Filed 6-15-17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Generic Clearance for Customer Satisfaction Research

AGENCY: U.S. Census Bureau.

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, Public Law 104-13.

DATES: To ensure consideration, written comments must be submitted on or before August 15, 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(s) and instructions should be directed to Rebecca E. Vilky, 301-763-2162, U.S. Census Bureau, HQ-8H172F, Washington, DC 20233-0500 (or via email at rebecca.e.vilky@census.gov).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau is requesting generic clearance to conduct customer satisfaction research which may be in the form of mailed or electronic questionnaires and/or focus groups, telephone interviews, or web-based interviews.

The Census Bureau has ranked a customer-focused environment as one of its most important strategic planning objectives. The Census Bureau routinely needs to collect and analyze customer feedback about its products and services to better align them to its customers' needs and preferences. Several programs, products, and distribution channels have been designed and/or redesigned based on feedback from its various customer satisfaction research efforts.

Each research design is reviewed for content, utility, and user-friendliness by a variety of appropriate staff (including research design and subject-matter experts). The concept and design are tested by internal staff and a select sample of respondents to confirm its appropriateness, user-friendliness, and to estimate burden (including hours and cost) of the proposed collection of information. Collection techniques are discussed and included in the research, concept, and design discussion to define the most time-, cost-efficient and accurate collection media.

The clearance operates in the following manner: A block of burden hours is reserved at the beginning of the clearance period. The particular activities that will be conducted under the clearance are not specified in advance because they would not be known at the beginning of the clearance period. The Census Bureau provides detailed information to the Office of Management and Budget (OMB) about the specific activities a minimum of two weeks prior to the planned start date of the collection. OMB provides any comments it may have prior to the start date of the planned activity. At the end of each year, a report is submitted to OMB that summarizes the number of hours used as well as the nature and results of the activities completed under the clearance.

II. Method of Collection

This research may be in the form of mailed or electronic questionnaires and/or focus groups, telephone or web-based interviews.

III. Data

OMB Control Number: 0607–0760.

Form Number: Various.

Type of Review: Regular submission.

Affected Public: Individuals or households, State or local governments, farms, business or other for-profit organizations, federal agencies or employees, and not-for-profit institutions.

Estimated Number of Respondents: 30,000.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 5,000.

Estimated Total Annual Cost: There is no cost to respondents, except for their time to answer the questions.

Respondents Obligation: Voluntary.

Legal Authority: Executive Order 12862.

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.

Sheleen Dumas,

PRA Departmental Lead, Office of the Chief Information Officer.

[FR Doc. 2017–12506 Filed 6–15–17; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Office of the Secretary

Submission for OMB Review; Comment Request; The Environmental Questionnaire and Checklist (EQC)

The Department of Commerce will submit a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for clearance under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Office of the Secretary, Office of Facilities and Environmental Quality.

Title: DOC National Environmental Questionnaire and Checklist (EQC).

OMB Control Number: 0690–0028.

Form Number(s): CD–593.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 1,000.

Average Hours per Response: 3 hours.

Burden Hours: 3,000.

Estimated Total Annual Cost to Public: \$1,000 in miscellaneous costs (\$5 × approximately 200 respondents who would mail attachments rather than emailing them).

Needs and Uses: This request is for an extension of a currently approved information collection. The National Environmental Policy Act (NEPA) (42 U.S.C. 4321–4347) and the Council on Environmental Quality's (CEQ) Regulations for Implementing NEPA (40 CFR parts 1500–1508) require that federal agencies complete an environmental analysis for all major federal actions significantly affecting the environment. Those actions may include a federal agency's decision to fund non-federal projects under grants and cooperative agreements, including infrastructure projects. In order to determine NEPA compliance requirements for a project receiving Department of Commerce (DOC) bureau-level funding, DOC must assess information which can only be provided by the applicant for federal financial assistance (grant).

The National Environmental Questionnaire and Checklist (EQC) provides federal financial assistance applicants and DOC staff with a tool to ensure that the necessary project and environmental information is obtained. The EQC was developed to collect data concerning potential environmental impacts that the applicant for federal financial assistance possesses and to transmit that information to the Federal reviewer. The EQC will allow for a more rapid review of projects and facilitate DOC's evaluation of the potential

environmental impacts of a project and level of NEPA documentation required. DOC staff will use the information provided in answers to the questionnaire to determine compliance requirements for NEPA and conduct subsequent NEPA analysis as needed. Information provided in the questionnaire may also be used for other regulatory review requirements associated with the proposed project, such as the National Historic Preservation Act.

The DOC received no comments in response to the 60-day notice published in the **Federal Register** on April 14, 2017 (82 FR 17968).

Affected Public: Business or other for-profit organizations; not-for-profit institutions; individuals and households.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

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.

Sheleen Dumas,

Departmental PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2017–12496 Filed 6–15–17; 8:45 am]

BILLING CODE 3510–NW–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2033]

Approval of Subzone Status; Scott USA, Inc.; Ogden, Utah

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for “. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,” and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the

establishment of subzones for specific uses;

Whereas, the Salt Lake City Corporation, grantee of Foreign-Trade Zone 30, has made application to the Board for the establishment of a subzone at the facility of Scott USA, Inc., located in Ogden, Utah, (FTZ Docket B-11-2017, docketed February 10, 2017);

Whereas, notice inviting public comment has been given in the **Federal Register** (82 FR 10876, February 16, 2017) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's memorandum, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby approves subzone status at the facility of Scott USA, Inc., located in Ogden, Utah (Subzone 30C), as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including Section 400.13.

Dated: June 8, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2017-12504 Filed 6-15-17; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Proposed Information Collection; Comment Request; Competitive Enhancement Needs Assessment Survey Program

AGENCY: Bureau of Industry and Security, Department of 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 15, 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 by email 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 Mark Crace, BIS ICB Liaison, (202) 482-8093 or at mark.crace@bis.doc.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Defense Production Act of 1950, as amended, and Executive Order 12919, authorizes the Secretary of Commerce to assess the capabilities of the defense industrial base to support the national defense. They also develop policy alternatives to improve the international competitiveness of specific domestic industries and their abilities to meet defense program needs. The information collected from voluntary surveys will be used to assist small- and medium-sized firms in defense transition and in gaining access to advanced technologies and manufacturing processes available from Federal Laboratories. The goal is to improve regions of the country adversely affected by cutbacks in defense spending and military base closures.

II. Method of Collection

Submitted electronically.

III. Data

OMB Control Number: 0694-0083.

Form Number(s): None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 2,400.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden

Hours: 2,400.

Estimated Total Annual Cost to Public: \$0.

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.

Sheleen Dumas,

PRA Departmental Lead, Office of the Chief Information Officer.

[FR Doc. 2017-12501 Filed 6-15-17; 8:45 am]

BILLING CODE 3510-33-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Proposed Information Collection; Comment Request; Additional Protocol to the U.S.-IAEA Safeguards Agreement Report Forms

AGENCY: Bureau of Industry and Security, Department of 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 15, 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 Jjessup@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Mark Crace, BIS ICB Liaison, (202) 482-8093 or at mark.crace@bis.doc.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Additional Protocol requires the United States to submit declaration forms to the International Atomic Energy Agency (IAEA) on a number of commercial nuclear and nuclear-related items, materials, and activities that may be used for peaceful nuclear purposes, but also would be necessary elements for a nuclear weapons program. These forms provides the IAEA with information about additional aspects of the U.S. commercial nuclear fuel cycle, including: Mining and milling of nuclear materials; buildings on sites of facilities selected by the IAEA from the U.S. Eligible Facilities List; nuclear-related equipment manufacturing, assembly, or construction; import and

export of nuclear and nuclear-related items and materials; and research and development. The Protocol also expands IAEA access to locations where these activities occur in order to verify the form data.

II. Method of Collection

Submitted electronically or in paper form.

III. Data

OMB Control Number: 0694–0135.

Form Number(s): None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 500.

Estimated Time per Response: 22 minutes to 6 hours.

Estimated Total Annual Burden Hours: 844.

Estimated Total Annual Cost to Public: \$5,400.

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.

Sheleen Dumas,

PRA Departmental Lead, Office of the Chief Information Officer.

[FR Doc. 2017–12498 Filed 6–15–17; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Proposed Information Collection; Comment Request; Procedures for Acceptance or Rejection of a Rated Order

AGENCY: Bureau of Industry and Security, Department of 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 15, 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 Mark Crace, BIS ICB Liaison, (202) 482–8093 or at mark.crace@bis.doc.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection involves the exchange of rated order information between customers and suppliers. Recordkeeping is necessary for administration and enforcement of delegated authority under the Defense Production Act of 1950, as amended (50 U.S.C. 4501, *et seq.*) and the Selective Service Act of 1948 (50 U.S.C. 3801, *et seq.*). Any person (supplier) who receives a priority rated order under DPAS regulation (15 CFR 700) must notify the customer of acceptance or rejection of that order within a specified period of time. Also, if shipment against a priority rated order will be delayed, the supplier must immediately notify the customer.

II. Method of Collection

Submitted electronically or in paper form.

III. Data

OMB Control Number: 0694–0092.

Form Number(s): None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 734,650.

Estimated Time per Response: 1 to 15 minutes.

Estimated Total Annual Burden Hours: 21,380.

Estimated Total Annual Cost to Public: \$0.

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.

Sheleen Dumas,

PRA Departmental Lead, Office of the Chief Information Officer.

[FR Doc. 2017–12497 Filed 6–15–17; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Proposed Information Collection; Comment Request; Import, End-User, and Delivery Verification Certificates

AGENCY: Bureau of Industry and Security, Department of 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 15, 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 Mark Crace, BIS ICB Liaison, (202) 482–8093 or at mark.crace@bis.doc.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection of information provides the certification of the overseas importer to the U.S. Government that specific commodities will be imported from the U.S. and will not be reexported, except in accordance with U.S. export regulations.

II. Method of Collection

Submitted electronically or in paper form.

III. Data

OMB Control Number: 0694-0093.

Form Number(s): None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 5,874.

Estimated Time per Response: 15 to 30 minutes.

Estimated Total Annual Burden Hours: 1,618.

Estimated Total Annual Cost to Public: \$0.

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.

Sheleen Dumas,

PRA Departmental Lead, Office of the Chief Information Officer.

[FR Doc. 2017-12502 Filed 6-15-17; 8:45 am]

BILLING CODE 3510-33-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-964]

Seamless Refined Copper Pipe and Tube 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 14, 2016, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of the 2014-2015 administrative review of the antidumping duty order on seamless refined copper pipe and tube from the People's Republic of China (PRC). The period of review (POR) is November 1, 2014, through October 31, 2015. The review covers two mandatory respondents, the Hailiang Single Entity and the Golden Dragon (GD) Single Entity. We invited parties to comment on our preliminary results. Based on our analysis of the comments received, we made certain changes to the margin calculation for the Hailiang Single Entity. Interested parties did not comment on our margin calculation for the GD Single Entity, and we continue to find that the GD Single Entity did not sell subject merchandise in the United States at less than normal value during the POR. The final weighted-average dumping margins for this review are listed in the "Final Results of Administrative Review" section, below.

DATES: Effective June 16, 2017.

FOR FURTHER INFORMATION CONTACT: Drew Jackson and Stephen Bailey, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4406 and (202) 482-0193, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 14, 2016, the Department published its *Preliminary Results* in the **Federal Register**, and invited interested parties to comment on those results.¹ The review covers two

¹ See *Seamless Refined Copper Pipe and Tube from the People's Republic of China: Preliminary Results of Administrative Review; 2014-2015*, 81 FR 90322 (December 14, 2016) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum. On December 27, 2016, a duplicate version of the *Preliminary Results* was published in the **Federal Register** as the result of a clerical error.

mandatory respondents the Hailiang Single Entity² and the GD Single Entity.³ On January 13, 2017, Hailiang⁴ timely filed a case brief and request for an administrative hearing.⁵ On January 18, 2017, the petitioners⁶ timely filed a rebuttal brief.⁷ On May 19, 2017, Hailiang withdrew its request for an administrative hearing.⁸ On May 24, 2017, Department officials met with counsel for Hailiang.⁹ On March 20, 2017, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), the Department extended the period for issuing the final results of this review by 60 days.¹⁰ The

See *Seamless Refined Copper Pipe and Tube from the People's Republic of China: Preliminary Results of Administrative Review; 2014-2015*, 81 FR 95110 (December 27, 2016). These two publications are identical in content.

² The Hailiang Single Entity includes the following companies: (1) Hong Kong Hailiang Metal Trading Limited/(2) Zhejiang Hailiang Co., Ltd./ (3) Shanghai Hailiang Copper Co., Ltd./and (4) Hailiang (Anhui) Copper Co., Ltd., (collectively, Hailiang Single Entity). See *Preliminary Results*, 81 FR at 95112.

³ The GD Single Entity includes the following companies: (1) Golden Dragon Precise Copper Tube Group, Inc./ (2) Golden Dragon Holding (Hong Kong) International Co., Ltd./ (3) Hong Kong GD Trading Co., Ltd./ (4) Shanghai Longyang Precise Copper Compound Copper Tube Co., Ltd./ (5) Jiangsu Canghuan Copper Industry Co., Ltd./ (6) Guangdong Longfeng Precise Copper Tube Co., Ltd./ (7) Wuxi Jinlong Chuancun Precise Copper Tube Co., Ltd./ (8) Longkou Longpeng Precise Copper Tube Co., Ltd./ (9) Xinxiang Longxiang Precise Copper Tube Co., Ltd./ (10) Coaxian Ailun Metal Processing Co., Ltd./ and (11) Chongqing Longyu Precise Copper Tube Co., Ltd. See *Preliminary Results*, 81 FR at 95112.

⁴ The respondent's submissions in this administrative review are filed on behalf of Hong Kong Hailiang Metal Trading Limited/Zhejiang Hailiang Co., Ltd./and Shanghai Hailiang Copper Co., Ltd. (collectively, Hailiang).

⁵ See Hailiang's Case Brief, "Hailiang's Administrative Case Brief and Request for Administrative Hearing Administrative Review of the Antidumping Order on Seamless Refined Copper Pipe & Tube from the People's Republic of China," dated January 13, 2017.

⁶ The petitioners in this administrative review are the Ad Hoc Coalition for Domestically Produced Seamless Refined Copper Pipe and Tube, and its individual members, Cerro Flow Products, LLC, Wieland Copper Products, LLC, Mueller Copper Tube Products, Inc., and Mueller Copper Tube Company, Inc.

⁷ See Petitioners' Rebuttal Brief, "Seamless Refined Copper Pipe and Tube from China: Petitioner's Rebuttal Brief," dated January 18, 2017.

⁸ See Letter to Hon. Wilbur L. Ross, Secretary of Commerce, from Hailiang, concerning, "Hailiang's Request for Ex-Parte Meeting and Withdrawal of Hearing Request in the Administrative Review of the Antidumping Order on Seamless Refined Copper Pipe & Tube from the People's Republic of China (A-570-964)," dated May 19, 2017.

⁹ See Memorandum, "2014-2015 Administrative Review of the Antidumping Duty Order on Seamless Refined Copper Pipe and Tube from the People's Republic of China: Meeting with Counsel for Hong Kong Hailiang Metal Trading Limited/Zhejiang Hailiang Co., Ltd./and Shanghai Hailiang Copper Co., Ltd.," dated May 25, 2017.

¹⁰ See Letter to Hon. Wilbur L. Ross, Secretary of Commerce, from Hailiang, concerning, "2014-2015

revised deadline for these final results of review is June 12, 2017.

Scope of the Order

The merchandise subject to the order is seamless refined copper pipe and tube. The product is currently classified under Harmonized Tariff Schedule of the United States (HTSUS) item numbers 7411.10.1030 and 7411.10.1090. Products subject to this order may also enter under HTSUS item numbers 7407.10.1500, 7419.99.5050, 8415.90.8065, and 8415.90.8085. Although the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope of this order remains dispositive.¹¹

Methodology

The Department conducted this review in accordance with section 751(a)(1)(B) of the Act. Export prices and constructed export prices have been calculated in accordance with section

772 of the Act. Because the PRC is a non-market economy within the meaning of section 771(18) of the Act, normal value has been calculated in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, please see Issues and Decision Memorandum.¹² The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>, and is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed paper copy and electronic version of the Issues and

Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results*, we made the following revisions to the margin calculation for the Hailiang Single Entity:

- We revised our calculation of the inland freight (*i.e.*, truck freight) surrogate value;¹³
- We revised the calculation of packing labor;¹⁴
- We revised the calculation of the recycled copper by-product;¹⁵
- We revised the calculation of cathode copper;¹⁶ and
- We corrected the date of sale variable.¹⁷

Final Results of Administrative Review

We determine that the following weighted-average dumping margins exist for the POR:

Exporter	Weighted-average dumping margins (percent)
Golden Dragon Precise Copper Tube Group, Inc./Golden Dragon Holding (Hong Kong) International Co., Ltd./Hong Kong GD Trading Co., Ltd./Shanghai Longyang Precise Copper Compound Copper Tube Co., Ltd./Jiangsu Canghuan Copper Industry Co., Ltd./Guangdong Longfeng Precise Copper Tube Co., Ltd./Wuxi Jinlong Chuancun Precise Copper Tube Co., Ltd./Longkou Longpeng Precise Copper Tube Co., Ltd./Xinxiang Longxiang Precise Copper Tube Co., Ltd./Coaxian Ailun Metal Processing Co., Ltd./Chongqing Longyu Precise Copper Tube Co., Ltd	0.00
Hong Kong Hailiang Metal Trading Limited/Zhejiang Hailiang Co., Ltd./Shanghai Hailiang Copper Co., Ltd./Hailiang (Anhui) Copper Co., Ltd	0.00

Because no party requested a review of the PRC-wide entity and the Department no longer considers the PRC-wide entity as an exporter conditionally subject to administrative reviews,¹⁸ we did not conduct a review of the PRC-wide entity. Thus, the weighted-average dumping margin for the PRC-wide entity (*i.e.*, 60.85 percent)¹⁹ is not subject to change as a result of this review.

Assessment

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b), the

Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise covered by this review. The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review.

For the companies listed above, which comprise the GD Single Entity and the Hailiang Single Entity, the weighted-average dumping margins are zero. Therefore, we will instruct CBP to liquidate the appropriate entries for

these companies without regard to antidumping duties.

For the PRC-wide entity, the Department will instruct CBP to liquidate all appropriate entries at an assessment rate for antidumping duties equal to the weighted-average dumping margin listed above in the Final Results of Administrative Review section.

For entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will

Administrative Review of the Antidumping Duty Order on Seamless Refined Copper Pipe and Tube from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty Administrative Review," dated March 20, 2017.

¹¹ See Issues and Decision Memorandum for a complete description of the Scope of the Order.

¹² See Memorandum, "Issues and Decision Memorandum for the Final Results of the 2014–2015 Administrative Review of the Antidumping Duty Order on Seamless Refined Copper Pipe and Tube from the People's Republic of China," dated concurrently with and hereby adopted by this notice, (Issues and Decision Memorandum). A list of topics discussed in the Issues and Decision

Memorandum is provided in the Appendix to this notice.

¹³ See Issues and Decision Memorandum at Comment 3; see also Memorandum, "2014–2015 Antidumping Duty Administrative Review of Seamless Refined Copper Pipe and Tube from the People's Republic of China: Analysis Memorandum for the Hailiang Single Entity," dated concurrently with this decision memorandum (Hailiang Final Analysis Memorandum).

¹⁴ *Id.* at Comment 4–A; see also Hailiang Final Analysis Memorandum.

¹⁵ *Id.* at Comment 4–B; see also Hailiang Final Analysis Memorandum.

¹⁶ *Id.* at Comment 4–C; see also Hailiang Final Analysis Memorandum.

¹⁷ *Id.* at Comment 4–D; see also Hailiang Final Analysis Memorandum.

¹⁸ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963, 65969–70 (November 4, 2013).

¹⁹ See *Seamless Refined Copper Pipe and Tube From the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 75 FR 60725 (October 1, 2010).

instruct CBP to liquidate such entries at the PRC-wide rate.²⁰

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future cash deposits of estimated antidumping duties, where applicable.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for 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 the exporters identified above, the cash deposit rate will be zero; (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a previously completed segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise that have not been found to be entitled a separate rate, the cash deposit rate will be that for the PRC-wide entity (*i.e.*, 60.85 percent); and (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, when imposed, shall remain in effect until further notice.

Disclosure

We intend to disclose the calculations performed for these final results within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Notification to Importers Regarding the Reimbursement of Duties

This notice also 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 POR. Failure to comply with this requirement could result in the Department’s presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of doubled antidumping duties.

Notifications to All Parties

This notice also serves as a final 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), which continues to govern business proprietary information in this segment of the proceeding. 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 which is subject to sanction.

We are issuing and publishing these final results of administrative review and notice in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213 and 19 CFR 351.221(b)(5).

Dated: June 12, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Issues
 - Comment 1: International Freight Surrogate Value
 - Comment 2: Irrecoverable Value-Added Tax Adjustment
 - Comment 3: Truck Freight Surrogate Value
 - Comment 4: Preliminary Margin Calculation Clerical Errors
 - A. Treatment of Packing Labor
 - B. Calculation of By-Product

C. Copper Cathode Calculation
 D. Date of Sale Variable
 V. Recommendation
 [FR Doc. 2017-12525 Filed 6-15-17; 8:45 am]
BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (Sunset) Review; Correction

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

SUMMARY: On June 2, 2017, the Department of Commerce (the Department) published a notice in the **Federal Register** that inadvertently omitted the initiation for the sunset review of the antidumping duty order on Circular Welded Non-Alloy Steel pipe from Taiwan. This notice is a correction.

DATES: Effective June 1, 2017.

FOR FURTHER INFORMATION CONTACT: Brenda E. Waters, Office of AD/CVD Operations, Customs and Liaison Unit, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482-4735.

SUPPLEMENTARY INFORMATION:

Background

In the *Initiation Notice* published in the **Federal Register** on June 2, 2017,¹ the Department inadvertently omitted the initiation for the sunset review of the antidumping duty order on Circular Welded Non-Alloy Steel Pipe from Taiwan. The Department is now correcting that notice. The initiation is effective June 1, 2017.

Correction of Initiation of Review

In accordance with 19 CFR 351.218(c), effective June 1, 2017, we are initiating the Sunset Review of the following antidumping duty order:

DOC Case No.	ITC Case No.	Country	Product	Department contact
A-583-814	731-TA-536	Taiwan	Circular Welded Non-Alloy Steel Pipe (4th Review)	Jacqueline Arrowsmith (202) 482-5255.

Effect of Correction of Initiation Notice

Additional information concerning the Department’s Sunset proceedings can be found in the “Filing

Information,” “Letters of Appearance and Administrative Protective Orders,” and “Information Required from Interested Parties” sections of the

Initiation Notice.² All filing requirements and deadlines under section 751(c) of the Tariff Act of 1930, as amended (“the Act”), and 19 CFR

²⁰ See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

¹ See *Initiation of Five-Year (Sunset) Reviews*, 82 FR 25599 (June 2, 2017) (*Initiation Notice*).

² *Id.*, at 25599-25600.

351.218 for the above-identified Sunset Review were established with publication of the *Initiation Notice* on June 2, 2017. Because of the circumstances requiring this correction of the *Initiation Notice*, and pursuant to 19 CFR 351.302(b), the Department will consider requests from interested parties for the extension of the deadlines established by 19 CFR 351.218(d)(1)(i) for filing of a notice of intent to participate, by 19 CFR 351.218(d)(2)(i) for filing of a statement of waiver, and by 19 CFR 351.218(d)(3)(i) for filing of a substantive response.

This correction of the notice of initiation is published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: June 13, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017-12523 Filed 6-15-17; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-351-825]

Stainless Steel Bar From Brazil: 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 Brazil. The period of review (POR) is February 1, 2015, through January 31, 2016. The review covers one producer/exporter of the subject merchandise, Villares Metals S.A. (Villares). For the final results of this review, we continue to find that subject merchandise has not been sold at less than normal value.

DATES: Effective June 16, 2017.

FOR FURTHER INFORMATION CONTACT: Hermes Pinilla or Minoo Hatten, 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) 482-3477, and (202) 482-1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 1, 2017, the Department published the *Preliminary Results* of the

administrative review in which it determined that subject merchandise has not been sold at less than fair value.¹ The Department stated its intent to issue a supplemental questionnaire after the *Preliminary Results* in light of pre-preliminary comments from Carpenter Technology Corporation, Crucible Industries LLC, Electralloy, a Division of G.O. Carlson, Inc., North America Stainless, and Valbruna Slater Stainless, Inc. (collectively, the petitioners).² On March 10, 2017, the Department issued a supplemental questionnaire to Villares regarding its reporting of certain expense and revenue items,³ and received a response on April 3, 2017.⁴ No party commented on Villares' April 3, 2017, supplemental questionnaire response. The Department also gave interested parties an opportunity to comment on the *Preliminary Results*, but received no comments. The Department conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise subject to the order is SSB. The term SSB with respect to the order means articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons or other convex polygons. SSB includes cold-finished SSBs that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process. Except as specified above, the term does not include stainless steel semi-finished products, cut-length flat-rolled products (*i.e.*, cut-length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the

thickness), wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes and sections. The 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 of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

Changes Since the Preliminary Results

After consideration of Villares' April 3, 2017, supplemental questionnaire response, the Department made minor changes to its calculations announced in the *Preliminary Results*.⁵ Specifically, for the final results of this administrative review, we used Villares' revised sales databases that it submitted to the Department in response to a March 10, 2017, supplemental questionnaire, which we issued after the *Preliminary Results*.⁶

In addition, in our March 10, 2017, supplemental questionnaire, we requested that Villares ensure and confirm that it reported gross unit prices net of any expenses and that any expenses (freight, insurance, merchandise processing fee, harbor maintenance fees, entry fee, etc.) were properly reported in their corresponding expense field.⁷ Villares provided the Department a U.S. sales database in Excel format with the appropriate expense fields. We reviewed the information provided by Villares and determined that the freight amounts reported constituted as freight revenue and therefore, consistent with the Department's practice, it is appropriate to treat freight revenue as offsets to certain expenses.⁸ Accordingly, for the final results, we capped Villares' freight

⁵ For further details, see Memorandum to the File, "Administrative Review of the Antidumping Duty Order on Stainless Steel Bar from Brazil: Final Analysis Memorandum for Villares Metals S.A.; 2015–2016," dated concurrently with this notice (Final Analysis Memorandum).

⁶ See the Department's supplemental questionnaire dated March 10, 2017.

⁷ See the Department's March 10, 2017, third supplemental questionnaire at page 5.

⁸ See *Certain Orange Juice from Brazil: Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 73 FR 46584 (August 11, 2008), and the accompanying Issues and Decision Memorandum (I&D Memo) at Comment 7, and *Polyethylene Retail Carrier Bags from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 74 FR 6857 (February 11, 2009), and the accompanying I&D Memo at Comment 6.

¹ See *Stainless Steel Bar from Brazil: Preliminary Results of Antidumping Duty Administrative Review; 2015–2016*, 82 FR 12197 (March 1, 2017) (*Preliminary Results*) and Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Bar from Brazil, dated February 23, 2017 (Preliminary Decision Memorandum).

² See Preliminary Decision Memorandum at 2.

³ See the Department's supplemental questionnaire, dated March 10, 2017.

⁴ See Villares' supplemental questionnaire response, dated April 3, 2017.

revenues in our calculation of U.S. price.⁹

Final Results of Administrative Review

As a result of this review, we continue to find that a weighted-average dumping margin of 0.00 percent exists for Villares for the period February 1, 2015, through January 31, 2016.

Assessment

In accordance with section 751(a)(2)(C) of the Act, 19 CFR 351.212(b) and the *Final Modification*,¹⁰ the Department will instruct U.S. Customs and Border Protection (CBP) to liquidate all appropriate entries for Villares without regard to antidumping duties.

For entries of subject merchandise during the POR produced by Villares for which it did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate un-reviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of the administrative review for all shipments of SS Bar from Brazil entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Villares, will be 0.00 percent, the weighted average dumping margin established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which that manufacturer or exporter participated; (3) if the exporter is not a firm covered in this administrative review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate

will be the rate established for the most recently completed segment of this proceeding for the manufacturer of subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 64.93 percent, the all-others rate established in the original less-than-fair-value investigation.¹¹ 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)(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 Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the 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.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 12, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017-12524 Filed 6-15-17; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Smart Grid Advisory Committee Meeting

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Institute of Standards and Technology (NIST) Smart Grid Advisory Committee (SGAC or Committee) will meet in open session on Thursday, August 17, 2017 from 8:30 a.m. to 5:00 p.m. Eastern time and Friday, August 18, 2017 from 8:30 a.m. to 12:00 p.m. Eastern time. The primary purposes of this meeting are to provide updates on NIST Smart Grid activities and the intersections with Cyber-Physical Systems program activities, and to discuss the NIST Framework and Roadmap for Smart Grid Interoperability Standards revision and the NIST Smart Grid research program. The agenda may change to accommodate Committee business. The final agenda will be posted on the Smart Grid Web site at <http://www.nist.gov/smartgrid>.

DATES: The SGAC will meet on Thursday, August 17, 2017 from 8:30 a.m. to 5:00 p.m. Eastern time and Friday, August 18, 2017 from 8:30 a.m. to 12:00 p.m. Eastern time.

ADDRESSES: The meeting will be held in Conference Room C103, Building 215 (Advanced Measurement Laboratory), National Institute of Standards and Technology, 100 Bureau Drive, Gaithersburg, Maryland 20899. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Mr. Cuong Nguyen, Smart Grid and Cyber-Physical Systems Program Office, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8200, Gaithersburg, MD 20899-8200; telephone 301-975-2254, fax 301-948-5668; or via email at cuong.nguyen@nist.gov.

SUPPLEMENTARY INFORMATION: The Committee was established in accordance with the Federal Advisory Committee Act, as amended, 5 U.S.C. App. The Committee is composed of nine to fifteen members, appointed by the Director of NIST, who were selected on the basis of established records of distinguished service in their professional community and their knowledge of issues affecting Smart Grid deployment and operations. The Committee advises the Director of NIST in carrying out duties authorized by section 1305 of the Energy Independence and Security Act of 2007 (Pub. L. 110-140). The Committee provides input to NIST on Smart Grid standards, priorities, and gaps, on the overall direction, status, and health of the Smart Grid implementation by the Smart Grid industry, and on Smart Grid Interoperability Panel activities,

⁹For further details, see Memorandum to the File, "Administrative Review of the Antidumping Duty Order on Stainless Steel Bar from Brazil: Final Analysis Memorandum for Villares Metals S.A.; 2015-2016," dated concurrently with this memorandum.

¹⁰See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101, 8102 (February 14, 2012) (*Final Modification*).

¹¹See *Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar from Brazil*, 59 FR 66914 (December 28, 1994).

including the direction of research and standards activities. Background information on the Committee is available at <http://www.nist.gov/smartgrid/committee.cfm>.

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the NIST Smart Grid Advisory Committee (SGAC or Committee) will meet in open session on Thursday, August 17, 2017 from 8:30 a.m. to 5:00 p.m. Eastern time and Friday, August 18, 2017 from 8:30 a.m. to 12:00 p.m. Eastern time. The meeting will be held in Conference Room C103, Building 215 (Advanced Measurement Laboratory), National Institute of Standards and Technology, 100 Bureau Drive, Gaithersburg, Maryland 20899. The primary purposes of this meeting are to provide updates on NIST Smart Grid activities and the intersections with Cyber-Physical Systems program activities, and to discuss the NIST Framework and Roadmap for Smart Grid Interoperability Standards revision and the NIST Smart Grid research program. The agenda may change to accommodate Committee business. The final agenda will be posted on the Smart Grid Web site at <http://www.nist.gov/smartgrid>.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request a place on the agenda by submitting their request to Cuong Nguyen at cuong.nguyen@nist.gov or (301) 975-2254 no later than 5:00 p.m. Eastern time, Thursday, August 3, 2017. On Friday, August 18, 2017, approximately one-half hour will be reserved at the end of the meeting for public comments, and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about three minutes each. Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to Mr. Cuong Nguyen, Smart Grid and Cyber-Physical Systems Program Office, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8200, Gaithersburg, MD 20899-8200; telephone 301-975-2254, fax 301-948-5668; or via email at cuong.nguyen@nist.gov.

All visitors to the NIST site are required to pre-register to be admitted. Anyone wishing to attend this meeting

must register by 5:00 p.m. Eastern time, Thursday, August 3, 2017, in order to attend. Please submit your full name, time of arrival, email address, and phone number to Cuong Nguyen. Non-U.S. citizens must submit additional information; please contact Mr. Nguyen. Mr. Nguyen's email address is cuong.nguyen@nist.gov and his phone number is (301) 975-2254. For participants attending in person, please note that federal agencies, including NIST, can only accept a state-issued driver's license or identification card for access to federal facilities if such license or identification card is issued by a state that is compliant with the REAL ID Act of 2005 (Pub. L. 109-13), or by a state that has an extension for REAL ID compliance. NIST currently accepts other forms of federal-issued identification in lieu of a state-issued driver's license. For detailed information, please contact Mr. Nguyen or visit: http://www.nist.gov/public_affairs/visitor/.

Kevin Kimball,
Chief of Staff.

[FR Doc. 2017-12543 Filed 6-15-17; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Limits of Acceptable Change Study: Surveys in the Northeast Reserves and Culebra Island, Puerto Rico

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 15, 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 Chris Jeffrey, National Centers for Coastal Ocean Science, 1305 East-West Hwy, Silver Spring, MD 20910-3281, Telephone number (240) 533-0354, email: chris.jeffrey@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a new information collection.

The Coral Reef Conservation Program (CRCP), developed under the authority of the Coral Reef Conservation Act of 2000, is responsible for programs intended to enhance the conservation of coral reefs. We intend to use the information collected through this instrument for conducting a characterization project utilizing a limits of acceptable change (LAC) framework that encompasses the Puerto Rico Northeast Marine Corridor (NMC) as a continuous management area, addressing the following subjects across the area and within individual natural reserves to create the information base required to promote effective management: Biophysical conditions, social conditions, stakeholder identification, stakeholder uses and use patterns, stakeholder knowledge, attitudes, and beliefs, and stakeholder and resource use conflicts. The study will build on past work conducted with stakeholders on natural resources and social indicators in the region, developing a social conditions baseline. Social conditions will be characterized via a series of stakeholder participation protocols, which will result in stakeholder identification, use and use patterns, knowledge, attitudes, and belief, and use conflicts. It will engage the four, main NMC stakeholders: Commercial fishers; commercial water operators; recreational boaters, and visitors. All commercial fishers and commercial water operators in the region will be surveyed with an in-person questionnaire. Recreational boaters will be reached by sending out an internet/email survey questionnaire sent to all vessel registrants. Visitors in the NMC will be surveyed using an intercept survey administered twice a month at a ferry location and via self-administered surveys disseminated by commercial water operators. It is expected that these multi-pronged approaches will provide the information necessary to complete a stakeholder characterization for the NMC that can be applied to evaluate LAC conditions and trends.

II. Method of Collection

Information will be collected through the internet, email and in person, on paper.

III. Data

OMB Control Number: 0648-xxxx.

Form Number(s): None.

Type of Review: Regular submission (request for a new information collection).

Affected Public: Individuals or households.

Estimated Number of Respondents: 3,000.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 1,500.

Estimated Total Annual Cost to Public: \$0 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 12, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017-12461 Filed 6-15-17; 8:45 am]

BILLING CODE 3510-JS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request: Socioeconomics of Maritime Heritage Divers in National Marine Sanctuaries and Proposed Sanctuaries

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 15, 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 Dr. Danielle Schwarzmann 240-533-0705 or danielle.schwarzmann@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a new information collection to benefit resource managers in sanctuaries and proposed sanctuaries (minimum of two sites) that protect marine heritage resources. Maritime heritage preserves and protects valuable historical, cultural and archaeological resources within coastal, marine and Great Lake environments. Maritime heritage resources include prehistoric sites, shipwrecks and naval battlefields. The National Ocean Service (NOS) proposes to collect information from passengers aboard dive and SCUBA operations to ascertain the operator knowledge, attitudes and perceptions towards the sanctuary or proposed sanctuary and the number of person-days of diving in the sanctuary/ proposed sanctuary and the larger region at a minimum of two sites.

Up-to-date socioeconomic data is needed to support the conservation and management goals of marine heritage resources and to satisfy legal mandates under the National Marine Sanctuaries Act (16 U.S.C. 1431 *et seq.*), Endangered Species Act (16 U.S.C. 1531 *et seq.*), Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*), National Environmental Policy Act (42 U.S.C. 4321), Executive Order 12866 (E.O. 12866), and other pertinent statutes.

The Office of National Marine Sanctuaries (ONMS) has a data gap in the economic value of maritime heritage resources. The information is about person-days and economic value of diving on maritime heritage sites is not available to assess the possible

economic benefits of maritime heritage protection to the local economy, or the potential impact on marine and Great Lakes recreation businesses. The type of data targeted for this collection; that is, information on expenditures, main purpose for their trip, knowledge, attitudes and perceptions of divers towards maritime heritage resources and the sanctuary/proposed sanctuary. Thus, current economic information on the importance of dive and SCUBA operations to the local tourism industry is required. *The primary focus for the survey will be to gather data on the non-consumptive, market value of diving on maritime heritage resources.* Specifically, researchers will collect data to determine the contribution of divers to the economy of marine heritage resources in sanctuaries and proposed sanctuaries.

II. Method of Collection

On-site interviews will be completed. Sanctuary staff or representatives will contact each dive operation and survey passengers aboard the dive boats at the end of their trip. An on-site survey will be supplemented by either mailback follow-up surveys or on-line surveys for data like expenditures and importance-satisfaction ratings that cannot be done face-to-face.

III. Data

OMB Control Number: 0648-XXXX.

Form Number: None.

Type of Review: Regular submission (request for a new information collection).

Affected Public: Individuals or households.

Estimated Number of Respondents: 1,200.

Estimated Time per Response: 15-20 minutes on-site plus 15-20 minutes for expenditure survey (mail or on-line) and 10 minutes for an importance-satisfaction (mail or on-line). At most, this will be 50 minutes per completed survey (includes the three modules)

Estimated Total Annual Burden Hours: 1,000.

Estimated Total Annual Cost to Public: Other than burden hours there will be no cost to the public.

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 13, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017-12567 Filed 6-15-17; 8:45 am]

BILLING CODE 3510-NK-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request: Socioeconomics of Maritime Heritage Dive Operators in National Marine Sanctuaries and Proposed Sanctuaries

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 15, 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 Dr. Danielle Schwarzmann 240-533-0705 danielle.schwarzmann@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a new information collection to benefit resource managers in sanctuaries and proposed sanctuaries (minimum of two sites) that protect

marine heritage resources. Maritime heritage preserves and protects valuable historical, cultural and archaeological resources within coastal, marine and Great Lake environments. Maritime heritage resources include prehistoric sites, shipwrecks and naval battlefields. The National Ocean Service (NOS) proposes to collect information from dive and SCUBA operations to ascertain the operator knowledge, attitudes and perceptions towards the sanctuary or proposed sanctuary and the number of person-days of diving in the sanctuary/proposed sanctuary and the larger region.

Up-to-date socioeconomic data is needed to support the conservation and management goals of marine heritage resources and to satisfy legal mandates under the National Marine Sanctuaries Act (16 U.S.C. 1431 *et seq.*), Endangered Species Act (16 U.S.C. 1531 *et seq.*), Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*), National Environmental Policy Act (42 U.S.C. 4321), Executive Order 12866 (E.O. 12866), and other pertinent statutes.

ONMS has a data gap in the economic value of maritime heritage resources. The information is about person-days and economic value of diving on maritime heritage resources (such as shipwrecks) is not available to assess the possible economic benefits of maritime heritage protection to the local economy, or the potential impact on marine and Great Lakes recreation businesses. The type of data targeted for this collection; that is, information on person-days of diving, knowledge, attitudes and perceptions of dive operations towards maritime heritage resources and the sanctuary/proposed sanctuary. Thus, current economic information on the importance of dive and SCUBA operations to the local tourism industry is required. *The primary focus for the survey will be to gather data on the non-consumptive, market value of dive operations.* Specifically, researchers will collect data to determine the contribution of dive operations to the economy of marine heritage resources in sanctuaries and proposed sanctuaries.

II. Method of Collection

On-site interviews will be completed. Sanctuary staff or representatives will contact each operator to set up an appointment to collect the data in person.

III. Data

OMB Control Number: 0648-XXXX.

Form Number: None.

Type of Review: Regular submission (request for a new information collection).

Affected Public: Maritime heritage diver operators.

Estimated Number of Respondents: 50.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden

Hours: 50.

Estimated Total Annual Cost to Public: Other than burden hours there will be no cost to the public.

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 13, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017-12568 Filed 6-15-17; 8:45 am]

BILLING CODE 3510-NK-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Atlantic Highly Migratory Species Vessel Logbooks and Cost-Earnings Data Reports

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 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 15, 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 Cliff Hutt, (301) 427-8503, or Cliff.Hutt@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for revision and extension of a current information collection. Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) is responsible for management of the nation's marine fisheries. In addition, NMFS must comply with the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 *et seq.*), under which the agency implements recommendations by the International Commission for the Conservation of Atlantic Tunas (ICCAT), as necessary and appropriate.

This information collection is being revised to include modified trip summary and cost-earnings logbook forms for the Atlantic Tunas General Category, Swordfish General Commercial, and Atlantic Highly Migratory Species (HMS) Charter/Headboat fisheries. Reporting burden associated with logbooks for the Atlantic Tunas General Category and HMS Charter/Headboat fisheries has been authorized under previous versions of this information collection, but the reporting burden associated with the Swordfish General Commercial permit is new as it was implemented only in 2014, and the category has not previously been selected for logbook reporting.

NMFS collects information via vessel logbooks to monitor the U.S. catch of Atlantic swordfish, sharks, billfish, and tunas in relation to the quotas, thereby ensuring that the United States complies with its domestic and international obligations. The HMS logbook program, OMB Control No. 0648-0371, was specifically designed to collect the vessel level information needed for the management of Atlantic HMS, and includes set forms, trip forms, negative reports, and cost-earning requirements

for both commercial and recreational vessels. The information supplied through the HMS logbook program provides the catch and effort data on a per-set or per-trip level of resolution for both directed and incidental species. In addition to HMS fisheries, the HMS logbook program is also used to report catches of dolphin and wahoo by commercial and charter/headboat fisheries by vessels that do not possess other federal permits. Additionally, the HMS logbook collects data on incidental species, including sea turtles, which is necessary to evaluate the fisheries in terms of bycatch and encounters with protected species. While most HMS fishermen use the HMS logbook program, HMS can also be reported as part of several other logbook collections including the Northeast Region Fishing Vessel Trip Reports (0648-0212) and Southeast Region Coastal Logbook (0648-0016).

These data are necessary to assess the status of HMS, dolphin, and wahoo in each fishery. International stock assessments for tunas, swordfish, billfish, and some species of sharks are conducted through ICCAT's Standing Committee on Research and Statistics periodically and provide, in part, the basis for ICCAT management recommendations which become binding on member nations. Domestic stock assessments for most species of sharks and for dolphin and wahoo are used as the basis of managing these species.

Supplementary information on fishing costs and earnings has been collected via the HMS logbook program. This economic information enables NMFS to assess the economic impacts of regulatory programs on small businesses and fishing communities, consistent with the National Environmental Policy Act (NEPA), Executive Order 12866, the Regulatory Flexibility Act, and other domestic laws.

II. Method of Collection

Paper logbooks are the primary mode of reporting, but electronic logbooks will be offered on a voluntary basis for the HMS logbook in the near future. Both online and paper reporting options will likely be offered for the Atlantic Tunas General Category, Atlantic HMS Charter/Headboat, and Swordfish General Commercial logbooks.

III. Data

OMB Control Number: 0648-0371.

Form Number: NOAA Form 88-191.

Type of Review: Regular submission (renewal of a current information collection).

Affected Public: Business or other for-profit (vessel owners).

Estimated Number of Respondents: 9,215.

Estimated Time per Response: 10 minutes for cost/earnings summaries attached to logbook reports, 30 minutes for annual expenditure forms, 12 minutes for logbook catch trip and set reports, 2 minutes for negative logbook catch reports.

Estimated Total Annual Burden Hours: 37,440.

Estimated Total Annual Cost to Public: \$0 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 including online or electronic reporting.

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 12, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017-12460 Filed 6-15-17; 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: Vessel Monitoring System Requirements in Western Pacific Fisheries.

OMB Control Number: 0648–0441.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 201.

Average Hours per Response: 4 hours for installation or replacement of a VMS unit; 2 hours for annual maintenance.

Burden Hours: 170.

Needs and Uses: This request is for extension of a currently approved information collection.

As part of fishery management plans developed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, owners of commercial fishing vessels in the Hawaii pelagic longline fishery, American Samoa pelagic longline fishery (only vessels longer than 50 feet), Northwestern Hawaiian Islands lobster fishery (currently inactive), and Northern Mariana Islands bottomfish fishery (only vessels longer than 40 feet) must allow the National Oceanic and Atmospheric Administration (NOAA) to install vessel monitoring system (VMS) units on their vessels when directed to do so by NOAA enforcement personnel. VMS units automatically send periodic reports on the position of the vessel. NOAA uses the reports to monitor the vessel's location and activities, primarily to enforce regulated fishing areas. NOAA pays for the units and messaging. There is no public burden for the automatic messaging; however, VMS installation and annual maintenance are considered public burden.

Affected Public: Business or other for-profit organizations.

Frequency: One time, annually and hourly (passive reporting).

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 13, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–12566 Filed 6–15–17; 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: Reporting Requirements for the Ocean Salmon Fishery off the Coasts of Washington, Oregon, and California.

OMB Control Number: 0648–0433.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 40.

Average Hours per Response: 15 minutes.

Burden Hours: 10.

Needs and Uses: Based on the management regime specified each year, designated regulatory areas in the commercial ocean salmon fishery off the coasts of Washington, Oregon, and California may be managed by numerical quotas. To accurately assess catches relative to quota attainment during the fishing season, catch data by regulatory area must be collected in a timely manner. Requirements to land salmon within specific time frames and in specific areas may be implemented in the preseason regulations to aid in timely and accurate catch accounting for a regulatory area. State landing systems normally gather the data at the time of landing. If unsafe weather conditions or mechanical problems prevent compliance with landing requirements, fishermen need an alternative to allow for a safe response. Fishermen would be exempt from landing requirements if the appropriate notifications are made to provide the name of the vessel, the port where delivery will be made, the approximate amount of salmon (by species) on board, and the estimated time of arrival.

Affected Public: Business or other for-profit organizations; individuals or households.

Frequency: On occasion.

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 12, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–12459 Filed 6–15–17; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds products and a service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Effective July 16, 2017.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION:

Additions

On 3/18/2016 (81 FR 14837–14838) and 5/5/2017 (82 FR 21198), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and service and impact of the additions on the current or most recent contractors, the Committee has determined that the products and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small

organizations that will furnish the products and service to the Government.

2. The action will result in authorizing small entities to furnish the products and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501-8506) in connection with the products and service proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and service are added to the Procurement List:

Products

NSN(s)—Product Name(s): 5180-00-NIB-0018—Type I, Carpenter's Tool Kit Squad, 5180-00-NIB-0019—Type II, Carpenter's Supplemental Tool Kit, 5180-00-NIB-0020—Type III, Carpenter's Tool Kit, 5180-00-NIB-0021—Type IV, Electrician's Tool Kit, 5180-00-NIB-0022—Type V, Mason and Concrete Tool Kit, 5180-00-NIB-0023—Type VI, Plumber's and Pipefitter's Tool Kit

Mandatory Source(s) of Supply: Industries for the Blind, Inc., West Allis, WI

Mandatory for: 100% of the requirement of the U.S. Army

Contracting Activity: Department of the Army, W4GG HQ U.S. Army TACOM, Warren, MI

Distribution: C-List

Service

Service Type: Base Supply Center Service
Mandatory for: U.S. Army, Red River Army Depot, 100 James Carlow Drive, Texarkana, TX

Mandatory Source(s) of Supply: LC Industries, Inc., Durham, NC

Contracting Activity: Dept of the Army, W0MC USA DEP Red River

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017-12527 Filed 6-15-17; 8:45 am]

BILLING CODE 6353-01-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Addition and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed addition to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add a service to the Procurement List that will be provided by a nonprofit agency employing persons who are blind or have other severe disabilities,

and deletes products previously furnished by such agencies.

DATES: Comments must be received on or before July 16, 2017.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202-4149.

FOR FURTHER INFORMATION CONTACT: Amy B. Jensen, Telephone: (703) 603-7740, Fax: (703) 603-0655, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Addition

If the Committee approves the proposed addition, the entities of the Federal Government identified in this notice will be required to procure the service listed below from a nonprofit agency employing persons who are blind or have other severe disabilities.

The following service is proposed for addition to the Procurement List for production by the nonprofit agency listed:

Service

Service Type: Grounds Maintenance Service
Mandatory for: U.S. Coast Guard, U.S. Coast Guard Base Los Angeles/Long Beach, 1001 S. Seaside Avenue, San Pedro, CA

Mandatory Source(s) of Supply: Goodwill Industries of Southern California, Panarama City, CA

Contracting Activity: U.S. Coast Guard, SILC BSS (00084)

Deletions

The following products are proposed for deletion from the Procurement List:

Products

NSN(s)—Product Name(s): MR 1031—Rag, Cleaning, Red

Mandatory Source(s) of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC

Contracting Activity: Defense Commissary Agency

NSN(s)—Product Name(s): 7210-00-682-6504—Mattress, Foam

Mandatory Source(s) of Supply: Lions Volunteer Blind Industries, Inc., Morristown, TN
Contracting Activity: General Services Administration, Fort Worth, TX

NSN(s)—Product Name(s): 7510-01-431-6520—Foam Stamp Pad, Size #1, 2³/₄" x 4¹/₄", Blue, 7510-01-431-6528—Foam Stamp Pad, Size #3, 4¹/₂" x 7¹/₂", Blue

Mandatory Source(s) of Supply: Cattaraugus County Chapter, NYSARC, Olean, NY
Contracting Activity: General Services

Administration, New York, NY

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017-12526 Filed 6-15-17; 8:45 am]

BILLING CODE 6353-01-P

DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, United States Military Academy (USMA)

AGENCY: Department of the Army, DoD.

ACTION: Notice of committee meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act, the Department of Defense announces that the following Federal advisory committee meeting will take place.

DATES: The meeting will be held on Monday, July 10, 2017, Time 9:30-11:30 a.m. Members of the public wishing to attend the meeting will be required to show a government photo ID upon entering West Point in order to gain access to the meeting location. All members of the public are subject to security screening.

ADDRESSES: The meeting will be held in the Haig Room, Jefferson Hall, West Point, New York 10996.

FOR FURTHER INFORMATION CONTACT: Mrs. Deadra K. Ghostlaw, the Designated Federal Officer for the committee, in writing at: Secretary of the General Staff, ATTN: Deadra K. Ghostlaw, 646 Swift Road, West Point, NY 10996; by email at: deadra.ghostlaw@usma.edu or BoV@usma.edu; or by telephone at (845) 938-4200.

SUPPLEMENTARY INFORMATION: The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.150. The USMA BoV provides independent advice and recommendations to the President of the United States on matters related to morale, discipline, curriculum, instruction, physical equipment, fiscal affairs, academic methods, and any other matters relating to the Academy that the Board decides to consider.

Purpose of the Meeting: This is the 2017 Summer Meeting of the USMA BoV. Members of the Board will be provided updates on Academy issues. Agenda: Board Business; Superintendent Topics: 2nd Semester

Highlights; Strategic Imperative 1—Develop Leaders of Character: Sandhurst competition at West Point, Basic Officer Leader Course (BOLC) Performance, Military Individual Advanced Development/Academic Individual Advanced Development (MIAD/AIAD); Strategic Imperative 2—Foster Relevance and Preeminence: Build Diverse and Effective Teams: Class of 2021 Profile, Sexual Harassment/Assault Response and Prevention (SHARP) Update; Faculty and Staff Excellence, Faculty Blend of Excellence, Faculty in the Summer, Benavidez Leader Development Program (BLDP) Success; Intellectual Capital: Projects Day; Stewardship: Future and ongoing construction; Culture of Excellence.

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165 and subject to the availability of space, this meeting is open to the public. Seating is on a first to arrive basis. Attendees are requested to submit their name, affiliation, and daytime phone number seven business days prior to the meeting to Mrs. Ghostlaw, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Pursuant to 41 CFR 102–3.140d, the committee is not obligated to allow a member of the public to speak or otherwise address the committee during the meeting, and members of the public attending the committee meeting will not be permitted to present questions from the floor or speak to any issue under consideration by the committee. Because the committee meeting will be held in a Federal Government facility on a military post, security screening is required. A government photo ID is required to enter post. In order to enter the installation, members of the public must first go to the Visitor Control Center trailer in the Visitor Center's parking lot and go through a background check before being allowed access to the installation. Members of the public then need to park in Buffalo Soldier Field parking lot and ride the Central Post Area (CPA) shuttle bus to the meeting location. Please note that security and gate guards have the right to inspect vehicles and persons seeking to enter and exit the installation. Members of the public should allow at least an hour for security checks and the shuttle ride. The United States Military Academy, Jefferson Hall, is fully handicap accessible. Wheelchair access is available at the south entrance of the building. For additional information about public access procedures, contact

Mrs. Ghostlaw, the committee's Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the committee, in response to the stated agenda of the open meeting or in regard to the committee's mission in general. Written comments or statements should be submitted to Mrs. Ghostlaw, the committee Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. Written comments or statements should be submitted to Mrs. Ghostlaw, the committee Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Designated Federal Official at least seven business days prior to the meeting to be considered by the committee. The Designated Federal Official will review all timely submitted written comments or statements with the committee Chairperson and ensure the comments are provided to all members of the committee before the meeting. Written comments or statements received after this date may not be provided to the committee until its next meeting.

Pursuant to 41 CFR 102–3.140d, the committee is not obligated to allow a member of the public to speak or otherwise address the committee during the meeting. However, the committee Designated Federal Official and Chairperson may choose to invite certain submitters to present their comments verbally during the open portion of this meeting or at a future meeting. The Designated Federal Officer, in consultation with the committee Chairperson, may allot a specific amount of time for submitters to present their comments verbally.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017–12511 Filed 6–15–17; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Department of the Army

Information on Surplus Land at a Military Installation Designated for Disposal: Umatilla Chemical Depot, Oregon

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: This amended notice provides information on withdrawal of surplus property at the Umatilla Chemical Depot, Oregon. This notice amends the Notice published in the **Federal Register** on November 17, 2008 (73 FR 67846).

DATES: Effective June 16, 2017.

FOR FURTHER INFORMATION CONTACT: Headquarters, Department of the Army, Assistant Chief of Staff for Installation Management, Base Realignment and Closure (BRAC) Division, Attn: DAIM–ODB, 600 Army Pentagon, Washington, DC 20310–0600, (703) 545–2460. For information regarding the specific property listed below, contact the Army BRAC Division at the mailing address above or email at usarmy.pentagon.hqda-acsim.mbx.braco-webmaster@mail.mil.

SUPPLEMENTARY INFORMATION: In 2005, Umatilla Chemical Depot, Oregon, was designated for closure under the authority of the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, as amended. On November 17, 2008 the Department of Army published a Notice in the **Federal Register** (73 FR 67846) that property at this installation was declared surplus to the needs of the Federal Government. A portion of the Property previously reported as surplus is now required by the Federal Government for military training by reserve components of the Armed Forces.

Surplus Property List

Withdraw: 7,500 acres, all buildings and infrastructure thereon, water certificates 33779, 33778, 33989, and 91003, and 1,092.61 acres existing safety easements.

Authority: This action is authorized by the Consolidated Appropriations Act, 2012, Pub. L. 112–74, in accordance with the procedures and authorities of the Defense Base Closure and Realignment Act of 1990, Pub. L. 101–510, as amended, 10 U.S.C. 2687 note.

Dated: June 6, 2017.

Paul D. Cramer,

Deputy Assistant Secretary of the Army, (Installations, Housing and Partnerships).

[FR Doc. 2017–12507 Filed 6–15–17; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE**Department of the Army; Corps of Engineers****Meeting of the Chief of Engineers Environmental Advisory Board**

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of open Federal advisory committee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Chief of Engineers, Environmental Advisory Board (EAB). This meeting is open to the public. For additional information about the EAB, please visit the committee's Web site at <http://www.usace.army.mil/Missions/Environmental/EnvironmentalAdvisoryBoard.aspx>.

DATES: The meeting will be held from 9:00 a.m. to 12:00 p.m. on July 12, 2017. Public registration will begin at 8:30 a.m.

ADDRESSES: The EAB meeting will be conducted at The Park Place Hotel, 300 East State Street, Traverse City, MI 49684, (231) 946-5000.

FOR FURTHER INFORMATION CONTACT: Ms. Mindy M. Simmons, the Designated Federal Officer (DFO) for the committee, in writing at U.S. Army Corps of Engineers, ATTN: CECW-P, 441 G St NW., Washington, DC 20314; by telephone at 202-761-4127; and by email at Mindy.M.Simmons@usace.army.mil. Alternatively, contact Ms. Anne Cann, the Alternate Designated Federal Officer (ADFO), in writing at the Institute for Water Resources, U.S. Army Corps of Engineers, ATTN: CEIWR-GW, 7701 Telegraph Road, Casey Building, Alexandria, VA 22315-3868; by telephone at 703-428-7166; and by email at R.Anne.Cann@usace.army.mil.

SUPPLEMENTARY INFORMATION: The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.150.

Purpose of the Meeting: The EAB will advise the Chief of Engineers on environmental policy, identification and resolution of environmental issues and missions, and addressing challenges, problems, and opportunities in an environmentally responsible manner. The EAB is interested in written and verbal comments from the public relevant to these purposes.

Proposed Agenda: At this meeting the agenda will include an update from USACE on implementation of past EAB recommendations, how the host USACE district is "Living the Environmental Operating Principles"; and discussions and presentations on ongoing work plan efforts with a discussion of potential future tasks, such as invasive species, aging infrastructure and aquatic ecosystem integrity, and monitoring and adaptive management.

Availability of Materials for the Meeting. A copy of the agenda or any updates to the agenda for the July 12, 2017 meeting will be available at the meeting. The final version will be provided at the meeting. All materials will be posted to the Web site after the meeting.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102-3.140 through 102-3.165, and subject to the availability of space, this meeting is open to the public. Registration of members of the public who wish to attend the meeting will begin at 8:30 a.m. on the day of the meeting. Seating is limited and is on a first-to-arrive basis. Attendees will be asked to provide their name, title, affiliation, and contact information to include email address and daytime telephone number at registration. Any interested person may attend the meeting, file written comments or statements with the committee, or make verbal comments from the floor during the public meeting, at the times, and in the manner, permitted by the committee, as set forth below.

Special Accommodations: The meeting venue is fully handicap accessible, with wheelchair access. Individuals requiring special accommodations to access the public meeting or seeking additional information about public access procedures, should contact Ms. Simmons, the committee DFO, or Ms. Cann, the ADFO, at the email addresses or telephone numbers listed in the **FOR FURTHER INFORMATION CONTACT** section, at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Comments or Statements: Pursuant to 41 CFR 102-3.105(j) and 102-3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the EAB about its mission and/or the topics to be addressed in this public meeting. Written comments or statements should be submitted to Ms. Simmons, the committee DFO, or Ms. Cann, the committee ADFO, via electronic mail, the preferred mode of

submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section in the following formats: Adobe Acrobat or Microsoft Word. The comment or statement must include the author's name, title, affiliation, address, and daytime telephone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the committee DFO or ADFO at least five (5) business days prior to the meeting so that they may be made available to the EAB for its consideration prior to the meeting. Written comments or statements received after this date may not be provided to the EAB until its next meeting. Please note that because the EAB operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection.

Verbal Comments: Members of the public will be permitted to make verbal comments during the meeting only at the time and in the manner allowed herein. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three (3) business days in advance to the committee DFO or ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section. The committee DFO and ADFO will log each request to make a comment, in the order received, and determine whether the subject matter of each comment is relevant to the EAB's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO and ADFO.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017-12508 Filed 6-15-17; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF DEFENSE**Office of the Secretary**

[Docket ID: DOD–2015–OS–0013]

Notice of Availability for Finding of No Significant Impact for the Environmental Assessment Addressing Implementation of the Real Property Master Plan at Defense Distribution Depot, San Joaquin, California**AGENCY:** Defense Logistics Agency (DLA), Department of Defense.**ACTION:** Notice of Availability (NOA) for Finding of No Significant Impact (FONSI) for the Environmental Assessment (EA) Addressing Implementation of the Real Property Master Plan (RPMP) at Defense Distribution Depot, San Joaquin, California.

SUMMARY: On February 10, 2015, DLA published a NOA in the **Federal Register** (80 FR 7420) announcing the publication of the EA Addressing Implementation of the RPMP at Defense Distribution Depot, San Joaquin, California. The EA was available for a 30-day public comment period that ended March 12, 2015. The EA was prepared as required under the National Environmental Policy Act (NEPA) of 1969. In addition, the EA complied with DLA Regulation 1000.22. During the public comment period, three comment letters were received (from the U.S. Environmental Protection Agency (EPA), San Joaquin Council of Governments (SJCOG), and San Joaquin County Department of Public Works (County)). These letters were addressed directly with each agency via written correspondence and no additional comments were received. The public comments are addressed in the **SUPPLEMENTARY INFORMATION** section of this notice. An appendix was added to the EA that includes the three agency comments and the DLA response letters. The revised EA has been posted to Docket ID: DOD–2015–OS–0013.

FOR FURTHER INFORMATION CONTACT: Ira Silverberg at 703–767–0705 during normal business hours Monday through Friday, from 8:00 a.m. to 4:30 p.m. (EDT), or by email: ira.silverberg@dla.mil.

SUPPLEMENTARY INFORMATION: To summarize the comments received, the EPA expressed concerns about the process that DLA will use to identify and manage asbestos-containing materials and polychlorinated biphenyls (PCBs) during demolition of buildings, to avoid the potential dispersal of Valley

Fever spores during ground-disturbing activities, and to determine the appropriate level of NEPA analysis for individual projects. The SJCOG asked for more details about cumulative traffic impacts of the proposed projects. The County also requested additional analysis of transportation impacts and recommended preparing a full Traffic Impact Study in accordance with County Guidelines. In addition, the County was concerned about the potential impacts resulting from the development of 460 acres of prime farmland. DLA considered all comments before making the determination to proceed with a FONSI. Specifically, DLA response letters emphasized that the real property master plan and its component plans are planning level documents used to provide DLA with information to support future capital investment decisions and real property decisions. These documents provide general direction for potential areas and timing for future development. However, until funding is available for the anticipated projects, there is insufficient design information available to conduct detailed analyses, such as a Traffic Impact Study. A more detailed NEPA review will be conducted for individual projects once these projects are further defined. These NEPA analyses will assess the additional impacts identified during the comment period. Specifically, with regard to traffic impacts, DLA noted its ongoing efforts to reduce traffic impacts and greenhouse gas emissions, to promote mass transit options, and to provide flexible work schedules. In addition, DLA committed to engaging the County, SJCOG, and the City of Tracy to conduct a Traffic Impact Study once future projects are further defined. DLA also committed to secure all necessary approvals and permits for potential projects prior to construction. Further, DLA said it will coordinate with the Department of Agriculture and Natural Resources Conservation Service prior to conversion of prime farmland. This FONSI documents the decision of DLA to implement the RPMP and its component plans at Defense Distribution Depot, San Joaquin, California. DLA has determined that the Proposed Action is not a major Federal action significantly affecting the quality of the human environment within the context of NEPA and no significant impacts on the human environment are associated with this decision.

DLA completed an EA to address the potential environmental consequences associated with the proposed implementation of the RPMP and its

component plans at Defense Distribution Depot, San Joaquin, California. This FONSI incorporates the EA by reference and summarizes the results of the analyses in the EA.

Purpose of and Need for Action: The purpose of the Proposed Action is to implement Defense Distribution Depot, San Joaquin's RPMP and its component plans to establish a foundation that provides direction for future development of the facilities, infrastructure, land use, and environmental conditions at the installation. The Proposed Action is needed to ensure that the installation is able to meet its current and future mission logistics and warehousing requirements while ensuring the energy efficiency and sustainability of the installation.

Proposed Action and Alternatives: Under the Proposed Action, DLA would implement the installation's RPMP and its component plans. The RPMP provides the direction for future development of the installation over the next 20 years and identifies a series of building, infrastructure, and energy projects that would ensure the installation is able to meet its current and future logistics and warehousing mission requirements in a sustainable and environmentally conscious manner.

Implementing the projects in the RPMP would improve mission capability and installation efficiency by siting and designing modern, energy-efficient, sustainable buildings and infrastructure to supplement existing facilities (and in the future, replace outdated facilities) and by upgrading existing buildings and infrastructure to address life, safety, security, and mission deficiencies. The proposed projects include the construction of 2,170,100 square feet of new buildings and the demolition of 657,822 square feet of existing buildings. The top planning needs that would be addressed through implementation of the RPMP are siting Warehouse 59 and replacing the outside storage area, siting the proposed redesigned access control point, and siting the programmed military construction projects. Additionally, the proposed projects include renewable energy and utility projects; improvements to buildings, roads and pavements, and other infrastructure; and implementation of measures to reduce consumption of energy and water and generation of waste. All projects would be sited to maximize functionality and encourage consolidation and reuse or redevelopment, and be designed to incorporate Net-Zero Energy (NZE) and other sustainable measures.

Component plans of the RPMP include the NZE Study, Sustainability Plan (SP), and Integrated Pest Management Plan (IPMP) for the installation. The NZE Study balances the installation's future energy demand from buildings, industrial processes, fleet vehicles, and equipment with onsite and offsite renewable energy production. The SP provides a pathway for the installation to move toward compliance with relevant Federal mandates regarding sustainability. The IPMP is the installation's annual plan for its pest management program.

Implementation of the NZE Study, SP, and IPMP would enable the installation to reduce energy and fossil fuel use, increase alternative fuel use, achieve an NZE footprint, meet or exceed relevant Federal sustainability mandates, practice sound natural resources stewardship, comply with environmental policies and regulations, and reduce reliance on pesticides while reducing real property damage and maintenance costs.

Description of the No Action Alternative: Under the No Action Alternative, DLA would not implement the RPMP or its component plans. In general, implementation of the No Action Alternative would require DLA to continue using existing undersized and inefficient facilities and abandon the proposed facility expansion, infrastructure enhancement, sustainability improvement, and pest management actions of the RPMP and its component plans, which would hamper the ability of the installation to meet its current and future mission requirements. The No Action Alternative would not meet the purpose of and need for the Proposed Action.

Potential Environmental Impacts: No significant effects on environmental resources would be expected from the Proposed Action. Insignificant, adverse effects on noise, geological resources, water resources, biological resources, transportation and infrastructure, and hazardous materials and wastes would be expected. Insignificant, beneficial effects on land use and recreation, air quality, water resources, biological resources, transportation and infrastructure, and hazardous materials and wastes also would be expected. Details of the environmental consequences are discussed in the EA, which is hereby incorporated by reference.

Determination: DLA has determined that implementation of the Proposed Action will not have a significant effect on the human environment. Human environment was interpreted comprehensively to include the natural

and physical environment and the relationship of people with that environment. Specifically, no highly uncertain or controversial impacts, unique or unknown risks, or cumulatively significant effects were identified. Implementation of the Proposed Action will not violate any Federal, state, or local laws. Based on the results of the analyses performed during preparation of the EA and consideration of comments received during the public comment period, Ms. Denise Miller, Director, DLA Installation Support, concludes that implementation of the RPMP and its component plans at Defense Distribution Depot, San Joaquin, California, does not constitute a major Federal action significantly affecting the quality of the human environment within the context of NEPA. Therefore, an environmental impact statement for the Proposed Action is not required.

Dated: June 13, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017-12565 Filed 6-15-17; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2017-ICCD-0042]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Office of Management (OM), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before July 17, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2017-ICCD-0042. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after*

the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 216-32, Washington, DC 20202-4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Stephanie Valentine, 202-401-0526.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.
OMB Control Number: 1880-0542.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 450,000.

Total Estimated Number of Annual Burden Hours: 225,000.

Abstract: This collection of information is necessary to enable the Agency to garner customer and stakeholder feedback in an efficient, timely manner in accordance with our commitment to improving service delivery. The information collected

from our customers and stakeholders will help ensure that users have an effective, efficient, and satisfying experience with the Agency's programs.

Dated: June 13, 2017.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017-12522 Filed 6-15-17; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Basic Energy Sciences Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Basic Energy Sciences Advisory Committee (BESAC). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, July 13, 2017, 8:00 a.m. to 5:00 p.m. and Friday, July 14, 2017, 8:00 a.m. to 12:00 p.m.

ADDRESSES: Hilton Washington DC/ Rockville Hotel & Executive Meeting Center, 1750 Rockville Pike, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Katie Runkles; Office of Basic Energy Sciences; U.S. Department of Energy; Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585; Telephone: (301) 903-6529.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of this Board is to make recommendation to DOE-SC with respect to the basic energy sciences research program.

Tentative Agenda

- Call to Order, Introductions, Review of the Agenda
- News from the Office of Basic Energy Sciences
- Report for the Next Generation Electrical Energy Storage Basic Research Needs Workshop
- Report for the Catalysis-Science to Transform Energy Technologies Basic Research Needs Workshop
- Quantum Information Science
- Neuromorphic Computing
- Introduction of New BESAC Charge
- Chemical Sciences, Geosciences and Biosciences Committee of Visitors Report
- Public Comments
- Adjourn

Breaks Taken as Appropriate

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Katie Runkles at 301-903-6594 (fax) or katie.runkles@science.doe.gov (email). Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 30 days by contacting Ms. Katie Runkles at the address above.

Issued in Washington, DC on June 12, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017-12515 Filed 6-15-17; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9963-24-OA]

Notification of a Public Teleconference and Public Meeting of the Science Advisory Board Chemical Assessment Advisory Committee Augmented for the Review of EPA's Draft Ethyl Tertiary Butyl Ether (ETBE) and tert-Butyl Alcohol (tert-butanol; tBA) Assessments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office announces a public teleconference and a public face-to-face meeting of the SAB Chemical Assessment Advisory Committee augmented for the review of two EPA draft assessments: Toxicological Review for Ethyl Tertiary Butyl Ether (ETBE) (*External Review Draft, dated May 2017*); and Toxicological Review of tert-Butyl Alcohol (tert-butanol or tBA) (*External Review Draft, dated May 2017*) (CAAC augmented for ETBE/tBA Panel). A public teleconference will be held to learn about the development of the two EPA draft assessments and to discuss draft charge questions. A face-to-face meeting will be held to conduct a peer review of these assessments.

DATES: The public teleconference will be held on Tuesday, July 11, 2017, from 1 p.m. to 4 p.m. (Eastern Time). The public face-to-face meeting will be held from Tuesday, August 15, 2017 through Thursday, August 17, 2017, from approximately 8 a.m. to 5 p.m., (Eastern Time) daily.

ADDRESSES: The public teleconference will be held by telephone only. The public face-to-face meeting will be held at the Residence Inn Arlington Capital View, 2850 S. Potomac Ave., Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Any member of the public who wants further information concerning this meeting notice may contact Dr. Shaunta Hill-Hammond, Designated Federal Officer (DFO), via phone at (202) 564-3343, or email at hill-hammond.shaunta@epa.gov. General information about the SAB, as well as updates concerning the meeting announced in this notice, may be found on the EPA Web site at <http://www.epa.gov/sab>.

Technical Contact for EPA's Draft Reports: For information concerning the EPA draft assessments, please contact James Avery, phone (703) 347-8668 or via email at avery.james@epa.gov.

SUPPLEMENTARY INFORMATION:

Background: The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical advice to the Administrator on the scientific and technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. Pursuant to FACA and EPA policy, notice is hereby given that the SAB CAAC augmented for ETBE and tBA panel will hold a public teleconference and a public face-to-face meeting. The purpose of the teleconference is to learn about the development of the two EPA draft assessments on ETBE and tBA, and to discuss the draft charge questions. The purpose of the face-to-face meeting is to conduct a peer review of these two assessments.

In response to EPA's Office of Research and Development (ORD) request that the SAB conduct a peer review of two EPA draft assessments: (1) Toxicological Review of Ethyl Tertiary Butyl Ether (ETBE) and (2) Toxicological Review for tert-Butyl Alcohol (tert-butanol or tBA), the EPA SAB Staff Office augmented the SAB CAAC with subject matter experts, to provide advice to the Administrator through the chartered SAB regarding

these assessments. The SAB and the CAAC augmented for ETBE and tBA panel will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Availability of Meeting Materials: Prior to the meeting(s), the review documents, meeting agendas and other supporting materials (if applicable) will be accessible on the meeting page corresponding to each chemical assessment on the SAB Web site (<http://www.epa.gov/sab>).

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to the EPA. Members of the public can submit relevant comments pertaining to the EPA's charge, meeting materials, or the group providing advice. Input from the public to the SAB will have the most impact if it provides specific scientific or technical information or analysis for the SAB to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should follow the instructions below to submit comments.

Oral Statements: In general, individuals or groups requesting to make an oral presentation will be limited to three minutes during a public teleconference and five minutes during a face-to-face meeting. Interested parties wishing to provide comments should contact Dr. Hill-Hammond (preferably via email), at the contact information noted above by June 30, 2017, to be placed on the list of public speakers for the teleconference and by August 8, 2017, to be placed on the list of public speakers for the face-to-face meeting.

Written Statements: Written statements will be accepted throughout the advisory process; however, for timely consideration by SAB members, statements should be supplied to the DFO (preferably via email) at the contact information noted above by June 30, 2017, for the teleconference meeting and by August 8, 2017, for the face-to-face meeting. It is the SAB Staff Office general policy to post written comments on the Web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish

documents with signatures on its Web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the SAB Web site. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Dr. Hill-Hammond at the phone number or email address noted above, preferably at least ten days prior to the meeting, to give the EPA as much time as possible to process your request.

Dated: May 22, 2017.

Khanna Johnston,

Acting Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2017-12466 Filed 6-15-17; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-9033-7]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7146 or <http://www.epa.gov/nepa>. Weekly receipt of Environmental Impact Statements Filed 06/05/2017 Through 06/09/2017 Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <http://www.epa.gov/compliance/nepa/eisdata.html>.

EIS No. 20170098, Final, HUD, CA,

Adoption—Transbay Terminal/ Caltrain Downtown Extension/ Redevelopment Project, Review Period Ends: 07/19/2017, Contact: Stanley W. Toal 415-489-6668.

The Housing and Urban Development/the City and County of San Francisco Mayor's Office of Housing and Community Development (MOHCD, has adopted the Federal Transit Administration's FEIS #20040148, filed 03/26/2004 with the EPA. HUD/MOHCD was not a cooperating agency for the FEIS. Therefore, recirculation of the document is necessary under Section 1506.3(b) of the CEQ Regulations.

EIS No. 20170099, Final, NIGC, WA, Adoption—Cowlitz Indian Tribe Trust Acquisition and Casino Project Take 151.87 Acres into Federal Trust and

Issuing of Reservation Proclamation and Approving the Gaming Development and Management Contract, Contact: Esther Dittler 202-632-7003.

The National Indian Gaming Commission has adopted the U.S. Department of the Interior's Bureau of Indian Affairs FEIS #20080212, filed with EPA on 05/22/2008. NIGC was a cooperating agency with the project. Therefore, recirculation of the document is not necessary under Section 1506.3 of the CEQ Regulations.

EIS No. 20170100, Draft Supplement, USACE, CA, Folsom Dam Raise Project, Comment Period Ends: 07/31/2017, Contact: Victoria Hermanson 916-557-7330.

EIS No. 20170101, Final, HUD, NJ, Rebuild by Design Hudson River: Resist, Delay, Store, Discharge Project, Review Period Ends: 07/17/2017, Contact: Dennis Reinknecht 609-984-0556.

The New Jersey Departments of Environmental Protection and Community Affairs is the lead agency for the above project.

EIS No. 20170102, Draft, TVA, KY, Shawnee Fossil Plants Coal Combustion Residual Management, Comment Period Ends: 07/31/2017, Contact: Ashley Pilakowski 865-632-2256.

EIS No. 20170103, Draft Supplement, USFS, CO, Enlargement of Monument No. 1 and Hunter Reservoirs, Comment Period Ends: 07/31/2017, Contact: Clay Speas 970-874-6650.

Dated: June 13, 2017.

Dawn Roberts,

Management Analyst, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2017-12530 Filed 6-15-17; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission
DATE AND TIME: Wednesday, June 21, 2017 at 10:00 a.m. and its Continuation at the Conclusion of the Open Meeting on June 22, 2017.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This Meeting Will be Closed to the Public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 52 U.S.C. 30109.

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.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2017-12745 Filed 6-14-17; 4:45 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 12, 2017.

A. Federal Reserve Bank of Boston (Prabal Chakrabarti, Senior Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02210-2204. Comments can also be sent electronically to BOS.SRC.Applications.Comments@bos.frb.org:

1. *Banco Santander, S.A.*, Madrid, Spain; to retain 100 percent of the voting shares of Banco Popular Espanol, S.A., Madrid, Spain, and thereby, retain shares of TotalBank, Miami, Florida.

Board of Governors of the Federal Reserve System, June 13, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017-12575 Filed 6-15-17; 8:45 am]

BILLING CODE 6210-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS-1669-N]

Medicare Program; Rechartering, Membership, and Announcement of the Advisory Panel on Clinical Diagnostic Laboratory Tests Meeting on August 1, 2017

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

ACTION: Notice.

SUMMARY: This notice announces the rechartering of the Advisory Panel on Clinical Diagnostic Laboratory Tests (the Panel), designation of a new chairperson to the Panel, and the next public meeting date for the Panel on Tuesday, August 1, 2017. The purpose of the Panel is to advise the Secretary of the Department of Health and Human Services (DHHS) and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on issues related to clinical diagnostic laboratory tests (CDLTs). The Panel will make recommendations to the Secretary and the Administrator regarding crosswalking and gapfilling for new and reconsidered laboratory codes that are discussed during the Public Meeting Regarding New and Reconsidered Clinical Diagnostic Laboratory Test Codes for the Clinical Laboratory Fee Schedule for Calendar Year (CY) 2018 (2017 CLFS Public Meeting), and provide input on other CY 2018 CLFS issues that are designated in the Panel's charter and specified on meeting agenda. The Secretary approved the rechartering of the Panel on April 25, 2017 for a 2-year period effective through April 25, 2019.

DATES: Meeting Date: The meeting of the Panel is scheduled for Tuesday, August 1, 2017, from 9:00 a.m. to 5:00 p.m., Eastern Daylight Savings Time (E.D.T.). We note that the Panel will also attend the 2017 CLFS Public Meeting and will gather information and ask questions to presenters if they choose. Notice of the 2017 CLFS Public Meeting is published elsewhere in this issue of the **Federal Register**. As we also indicate in that notice, in the event the 2017 CLFS

Public Meeting needs to extend to August 1, 2017, the 2017 CLFS Public Meeting will begin at 9:00 a.m., E.D.T. and the Panel Meeting will convene immediately following the conclusion of that meeting.

Meeting Registration: The public may attend the Panel Meeting in person, view via webcast, or listen via teleconference. Beginning Monday, June 19, 2017 and ending Friday, July 14, 2017 at 5:00 p.m. E.D.T., registration to attend the Panel Meeting in person may be completed online at <http://cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonClinicalDiagnosticLaboratoryTests.html>. On this Web page, under "Panel Meetings," click the "Register for August 1, 2017 Panel Meeting" link and enter the required information. All of the following information must be submitted when registering:

- Name
- Company name
- Address
- Email addresses

Note: Participants who do not plan to attend the Panel Meeting in person on August 1, 2017 should not register. No registration is required for participants who plan to view the Panel Meeting via webcast or listen via teleconference. Participants planning to attend only the 2017 CLFS Public Meeting (on July 31, 2017), or both the 2017 CLFS Public Meeting and the Panel Meeting (on August 1, 2017), should register only once for the 2017 CLFS Public Meeting. We refer readers to the Public Meeting Regarding New and Reconsidered Clinical Diagnostic Laboratory Test Codes for the CLFS for CY 2018 notice published elsewhere in this issue of the **Federal Register** for instructions on registering. Participants planning to attend only the Panel Meeting (August 1, 2017) must register using the above link and instructions. Comments and presentations on new and reconsidered CDLTs will be made during the 2017 CLFS Public Meeting (on July 31, 2017). We note that here because the Panel will address crosswalking and gapfilling for new and reconsidered laboratory codes that are discussed during 2017 CLFS Public Meeting and may wish to ask follow-up questions to presenters at the Panel Meeting (on August 1, 2017).

Issues concerning the CY 2018 CLFS that are designated in the Panel's charter and specified in the meeting agenda will be discussed at the Panel Meeting. The deadline to register to be a presenter and to submit written presentations for agenda items during the Panel Meeting (that is, presentations on issues other than payment for new and reconsidered

CDLTs considered at the 2017 CLFS Public Meeting) is Friday, July 14, 2017. Issues to be discussed will be specified in the Panel Meeting agenda, to be published approximately 2 weeks before the meeting (a preliminary agenda is described in Section II. of this notice). Comments and presentations should not address issues not specified in the agenda for the Panel Meeting. If issues are added to the agenda, we would be interested in public comments or presentations related to those additional issues. Commenters and presenters may register via email to the designated CLFS-dedicated email box listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Presentations should be sent via email to the same email address.

Meeting Location, Webcast, and Teleconference: The Panel Meeting will be held in the Auditorium of the CMS, Central Office, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

Alternately, the public may view the Panel Meeting via a webcast or listen by teleconference. During the scheduled Panel Meeting, webcasting is accessible online at <http://cms.gov/live>.

Teleconference dial-in information will appear on the final Panel Meeting agenda, which will be posted on the CMS Web site when available at <http://cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonClinicalDiagnosticLaboratoryTests.html>.

Meeting Format: This Panel Meeting is open to the public. The on-site check-in for visitors will be held from 8:30 a.m. to 9:00 a.m. E.D.T. on Monday, July 31, 2017, preceding the 2017 CLFS Public Meeting, and again at 8:30 a.m. to 9:00 a.m. E.D.T. on August 1, 2017 for visitors attending only the Panel Meeting.

During the 2017 CLFS Public Meeting, the public, along with the Panel, will hear and pose questions to presenters concerning crosswalking and gapfilling for new and reconsidered CDLTs for calendar year CY 2018. Following the opening remarks of the Panel Meeting, the Panel will address any issues relating to the CY 2018 CLFS new and reconsidered laboratory codes, including making recommendations to the Secretary of HHS and the Administrator of CMS regarding crosswalking and gapfilling for new and reconsidered laboratory codes discussed during the CLFS Public Meeting. The Panel will also provide input on other CY 2018 CLFS issues that are designated in the Panel's charter and specified on the meeting agenda. The Panel will hear oral presentations from the public for a total time period of no more than 1 hour.

FOR FURTHER INFORMATION CONTACT: Glenn C. McGuirk, Designated Federal Official (DFO), 410-786-5723, email CDLTPanel@cms.hhs.gov. Press inquiries are handled through the CMS Press Office at (202) 690-6145. For additional information on the Panel, please refer to the CMS Web site at <https://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonClinicalDiagnosticLaboratoryTests.html>.

SUPPLEMENTARY INFORMATION:

I. Background

The Advisory Panel on Clinical Diagnostic Laboratory Tests is authorized by section 1834A(f)(1) of the Social Security Act (the Act) (42 U.S.C. 1395m-1), as established by section 216(a) of the Protecting Access to Medicare Act of 2014 (PAMA) (Pub. L. 113-93), enacted on April 1, 2014). The Panel is subject to the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory panels.

Section 1834A(f)(1) of the Act directs the Secretary of the Department of Health and Human Services (the Secretary) to consult with an expert outside advisory panel established by the Secretary, composed of an appropriate selection of individuals with expertise in issues related to clinical diagnostic laboratory tests. Such individuals may include molecular pathologists, researchers, and individuals with expertise in laboratory science or health economics.

The Panel will provide input and recommendations to the Secretary and the Administrator of the Center for Medicare & Medicaid Services (CMS), on the following:

- The establishment of payment rates under section 1834A of the Act for new clinical diagnostic laboratory tests, including whether to use crosswalking or gapfilling processes to determine payment for a specific new test; and
- The factors used in determining coverage and payment processes for new clinical diagnostic laboratory tests.
- Other aspects of the new payment system under section 1834A of the Act.

A notice announcing the establishment of the Panel and soliciting nominations for members was published in the October 27, 2014 **Federal Register** (79 FR 63919 through 63920). In the August 7, 2015 **Federal Register** (80 FR 47491), we announced membership appointments to the Panel along with the first public meeting date for the Panel, which was held on August 26, 2015. Subsequent meetings of the

Panel were also announced in the **Federal Register**. Since the last meeting, the Secretary approved re-chartering of the Panel on April 25, 2017. The new charter is effective through April 25, 2019 and may be found on the CMS Web site at <http://cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonClinicalDiagnosticLaboratoryTests.html>. Karen Nakano, M.D. has been designated as the new Panel Chair after the retirement of the former Panel Chair.

The Panel charter provides that Panel meetings will be held up to 4 times annually and the Panel Chair will serve for a period of 3 years, which may be extended at the discretion of the CMS Administrator or his or her duly appointed designee. Additionally, the Panel Chair facilitates the meeting and the Designated Federal Official (DFO) or DFO's designee must be present at all meetings.

II. Agenda

The Agenda for the August 1, 2017, Panel Meeting will provide for discussion and comment on the following topics as designated in the Panel's charter:

- CY 2018 CLFS new and reconsidered test codes, to be posted on June 16, 2017, on the CMS Web site at https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/ClinicalLabFeeSched/Laboratory_PublicMeetings.html.
- Other CY 2018 CLFS issues designated in the Panel's charter and further described on the Agenda.

A detailed Agenda will be posted approximately 2 weeks before the meeting, on the CMS Web site at <https://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonClinicalDiagnosticLaboratoryTests.html>.

III. Meeting Attendance

The Panel's meeting on August 1, 2017 is open to the public. Priority will be given to those who pre-register and attendance may be limited based on the number of registrants and the space available.

Persons wishing to attend this meeting, which is located on federal property, must register by following the instructions in the "Meeting Registration" section of this notice. A confirmation email will be sent to the registrants shortly after completing the registration process.

IV. Security, Building, and Parking Guidelines

The following are the security, building, and parking guidelines:

- Persons attending the meeting, including presenters, must be pre-registered and on the attendance list by the prescribed date.

- Individuals who are not pre-registered in advance may not be permitted to enter the building and may be unable to attend the meeting.

- Attendees must present a government-issued photo identification (ID) to the Federal Protective Service or Guard Service personnel before entering the building. Without a current, valid photo ID, persons may not be permitted entry to the building.

- Security measures include inspection of vehicles, inside and out, at the entrance to the grounds.

- All persons entering the building must pass through a metal detector.

- All items brought into CMS including personal items, for example, laptops and cell phones, are subject to physical inspection.

- The public may enter the building 30 to 45 minutes before the meeting convenes each day.

- All visitors must be escorted in areas other than the lower and first-floor levels in the Central Building.

- The main-entrance guards will issue parking permits and instructions upon arrival at the building.

V. Special Accommodations

Individuals requiring special accommodations must include the request for these services during registration.

VI. Panel Recommendations and Discussions

The Panel's recommendations will be posted after the meeting on the CMS Web site at <https://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonClinicalDiagnosticLaboratoryTests.html>.

VIII. Copies of the Charter

The Secretary's Charter for the Advisory Panel on Clinical Diagnostic Laboratory Tests is available on the CMS Web site at <http://cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonClinicalDiagnosticLaboratoryTests.html> or may obtain a copy of the charter by submitting a request to the contact listed in the **FOR FURTHER INFORMATION**

CONTACT section of this notice.

Dated: June 2, 2017.

Seema Verma,
Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2017-12545 Filed 6-15-17; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-R-21]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected; and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by July 17, 2017.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395-5806 OR, Email: OIRA_submission@omb.eop.gov.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at Web site address at <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html>.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to Paperwork@cms.hhs.gov.

3. Call the Reports Clearance Office at (410) 786-1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786-4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Withholding Medicare Payments to Recover Medicaid Overpayments and Supporting Regulations in 42 CFR 447.31; *Use:* Certain Medicaid providers that are subject to offsets for the collection of Medicaid overpayments may terminate or substantially reduce their participation in Medicaid, leaving the state Medicaid agency unable to recover the amounts due. Recovery procedures allow for determining the amount of overpayments and offsetting the overpayments by withholding the provider's Medicare payments. To effectuate the withholding, the state agency must provide their respective CMS regional office with certain documentation that identifies the provider and the Medicaid overpayment amount. The agency must also demonstrate that the provider was notified of the overpayment and that demand for the overpayment was made. An opportunity to appeal the overpayment determination must be afforded to the provider by the Medicaid state agency. Lastly, Medicaid state agencies must notify CMS when to terminate the withholding; *Form Number:* CMS-R-21 (OMB control

number: 0938–0287); *Frequency*: Occasionally; *Affected Public*: State, Local, or Tribal Governments; *Number of Respondents*: 54; *Total Annual Responses*: 27; *Total Annual Hours*: 81. (For policy questions regarding this collection contact Stuart Goldstein at 410–786–0694.)

Dated: June 13, 2017.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–12539 Filed 6–15–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1668–N]

Medicare Program; Public Meeting on July 31, 2017 Regarding New and Reconsidered Clinical Diagnostic Laboratory Test Codes for the Clinical Laboratory Fee Schedule for Calendar Year 2018

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

ACTION: Notice.

SUMMARY: This notice announces a public meeting to receive comments and recommendations (including accompanying data on which recommendations are based) from the public on the appropriate basis for establishing payment amounts for new or substantially revised Healthcare Common Procedure Coding System (HCPCS) codes being considered for Medicare payment under the clinical laboratory fee schedule (CLFS) for calendar year (CY) 2018. This meeting also provides a forum for those who submitted certain reconsideration requests regarding final determinations made last year on new test codes and for the public to provide comment on the requests.

The Clinical Diagnostic Laboratory Test (CDLT) Advisory Panel will participate in this meeting by gathering information and asking questions to presenters on July 31, 2017, and will hold a public meeting on August 1, 2017 to discuss matters of the Panel and make recommendations regarding the test codes presented at the CLFS public meeting. In the event the CLFS public meeting needs to extend to August 1, 2017, the CDLT Advisory Panel will convene its public meeting immediately following the CLFS public meeting, rather than starting at 9:00 a.m. Eastern

Daylight Savings Time (E.D.T.) as currently planned.

DATES: *Meeting Date:* The CLFS public meeting is scheduled for Monday, July 31, 2017 from 9:00 a.m. to 5:00 p.m., E.D.T. If needed, the meeting will resume on Tuesday, August 1, 2017, beginning at 9:00 a.m. E.D.T.

Deadline for Registration of Presenters and Submission of Presentations: All presenters for the CLFS public meeting must register and submit their presentations electronically to our CLFS dedicated email box, *CLFS Annual Public Meeting@cms.hhs.gov*, by July 14, 2017 at 5:00 p.m. E.D.T.

Deadline for Submitting Requests for Special Accommodations: Requests for special accommodations must be received no later than 5:00 p.m. E.D.T. on July 14, 2017.

Deadline for Submission of Written Comments: Written comments regarding the presentations must be received by August 11, 2017 at 5:00 p.m. E.D.T. (10 days after the meeting). We intend to publish our proposed determinations for new test codes and our preliminary determinations for reconsidered codes (as described later in this notice in section II. “Format”) for CY 2018 by early September 2017. Comments in response to the preliminary determinations will be due by early October 2017. Interested parties should submit all written comments on presentations and preliminary determinations to the address specified in the **ADDRESSES** section of this notice or electronically to our CLFS dedicated email box, *CLFS Annual Public Meeting@cms.hhs.gov* (the specific date for the publication of these determinations on the CMS Web site, as well as the deadline for submitting comments regarding these determinations, will be published on the CMS Web site).

ADDRESSES: The CLFS public meeting will be held in the main auditorium of the Centers for Medicare & Medicaid Services (CMS), Central Building, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

FOR FURTHER INFORMATION CONTACT: Glenn McGuirk, (410) 786–5723.

SUPPLEMENTARY INFORMATION:

I. Background

Section 531(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) (Pub. L. 106–554) required the Secretary of the Department of Health and Human Services (the Secretary) to establish procedures for coding and payment determinations for new clinical diagnostic laboratory tests

under Part B of title XVIII of the Social Security Act (the Act) that permit public consultation in a manner consistent with the procedures established for implementing coding modifications for International Classification of Diseases (ICD–9–CM) (now, ICD–10–CM). The procedures and clinical laboratory fee schedule (CLFS) public meeting announced in this notice for new tests are in accordance with the procedures published on November 23, 2001 in the **Federal Register** (66 FR 58743) to implement section 531(b) of BIPA.

Section 942(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108–173) added section 1833(h)(8) of the Act. Section 1833(h)(8)(A) of the Act requires the Secretary to establish by regulation procedures for determining the basis for, and amount of, payment for any clinical diagnostic laboratory test for which a new or substantially revised Healthcare Common Procedure Coding System (HCPCS) code is assigned on or after January 1, 2005 (hereinafter referred to as “new tests”). A code is considered to be substantially revised if there is a substantive change to the definition of the test or procedure to which the code applies (such as, a new analyte or a new methodology for measuring an existing analyte-specific test). (See section 1833(h)(8)(E)(ii) of the Act and 42 CFR 414.502).

Section 1833(h)(8)(B) of the Act sets forth the process for determining the basis for, and the amount of, payment for new tests prior to Calendar Year (CY) 2018 (Beginning January 1, 2018, payments for tests will be set in accordance with the methodologies specified in section 1834A of the Act.). Pertinent to this notice, sections 1833(h)(8)(B)(i) and (ii) of the Act require the Secretary to make available to the public a list that includes any such test for which establishment of a payment amount is being considered for a year and, on the same day that the list is made available, causes to have published a notice in the **Federal Register** of a meeting to receive comments and recommendations (including accompanying data on which recommendations are based) from the public on the appropriate basis for establishing payment amounts for the tests on such list. This list of codes for which the establishment of a payment amount under the CLFS is being considered for CY 2018 is posted on the CMS Web site at <http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/ClinicalLabFeeSched/index.html?redirect=/ClinicalLabFeeSched/>. Section 1833(h)(8)(B)(iii) of the Act requires that we convene the

public meeting not less than 30 days after publication of the notice in the **Federal Register**. These requirements are codified at 42 CFR part 414, subpart G.

Two bases of payment are used to establish payment amounts for new tests. The first basis, called “crosswalking,” is used when a new test code is determined to be comparable to an existing test code, multiple existing test codes, or a portion of an existing test code. For a new CDLT that is assigned a new or significantly revised code before January 1, 2018, the new test code is assigned the local fee schedule amounts and the national limitation amount of the existing test. Payment for the new test is made at the lesser of the billed amount, the local fee schedule amounts, or the national limitation amount. (See § 414.508(a)(1)).

The second basis, called “gapfilling,” is used when no comparable existing test is available. When using this method, instructions are provided to each Part A and Part B Medicare Administrative Contractor (MAC) to determine a payment amount for its Part B geographic area for use in the first year. In the first year, for a new CDLT that is assigned a new or substantially revised code before January 1, 2018, the contractor-specific amounts are established using the following sources of information, if available: (1) Charges for the test and routine discounts to charges; (2) resources required to perform the test; (3) payment amounts determined by other payers; and (4) charges, payment amounts, and resources required for other tests that may be comparable or otherwise relevant. In the second year, the test code is paid at the national limitation amount. (See § 414.508(a)(2)).

Under section 1833(h)(8)(B)(iv) of the Act, the Secretary, taking into account the comments and recommendations (and accompanying data) received at the CLFS public meeting, develops and makes available to the public a list of proposed determinations with respect to the appropriate basis for establishing a payment amount for each code, an explanation of the reasons for each determination, the data on which the determinations are based, and a request for public written comments on the proposed determinations. Under section 1833(h)(8)(B)(v) of the Act, taking into account the comments received on the proposed determinations during the public comment period, the Secretary then develops and makes available to the public a list of final determinations of final payment amounts for new test codes along with the rationale for each determination, the data on which the

determinations are based, and responses to comments and suggestions received from the public.

After the final determinations have been posted on the CMS Web site, the public may request reconsideration of the basis and amount of payment for a new test as set forth in § 414.509. Pertinent to this notice, those requesting that CMS reconsider the basis for payment or the payment amount as set forth in § 414.509(a) and (b), may present their reconsideration requests at the following year’s CLFS public meeting provided the requestor made the request to present at the CLFS public meeting in the written reconsideration request. For purposes of this notice, we refer to these codes as the “reconsidered codes.” The public may comment on the reconsideration requests. (See the November 27, 2007 CY 2008 Physician Fee Schedule final rule with comment period (72 FR 66275 through 66280) for more information on these procedures).

II. Format

We are following our usual process, including an annual public meeting to determine the appropriate basis and payment amount for new and reconsidered codes under the CLFS for CY 2018.

This meeting is open to the public. The on-site check-in for visitors will be held from 8:30 a.m. to 9:00 a.m. E.D.T., followed by opening remarks. Registered persons from the public may discuss and make recommendations for specific new and reconsidered codes for the CY 2018 CLFS.

As stated in the **SUMMARY** section of this notice, the Clinical Diagnostic Laboratory Test (CDLT) Advisory Panel will participate in the CLFS public meeting by gathering information and asking questions to presenters on July 31, 2017, and will hold a public meeting on August 1, 2017 to discuss matters of the Panel and make recommendations regarding the test codes presented at the CLFS public meeting. The announcement for the CDLT Advisory Panel meeting is included in a separate **Federal Register** notice.

Because of time constraints, presentations must be brief, lasting no longer than 10 minutes, and must be accompanied by three written copies. In addition, presenters should make copies available for approximately 50 meeting participants, since CMS will not be providing additional copies. Written presentations must be electronically submitted to CMS on or before July 14, 2017. Presentation slots will be assigned on a first-come, first-served basis. In the event there is not enough time for

presentations by everyone who is interested in presenting, CMS will accept written presentations from those who were unable to present due to time constraints. Presentations should be sent via email to our CLFS dedicated email box, *CLFS_Annual_Public_Meeting@cms.hhs.gov*. In addition, individuals may also submit requests after the CLFS public meeting to obtain electronic versions of the presentations. Requests for electronic copies of the presentations post public meeting should be sent via email to our CLFS dedicated email box, noted above.

We are standardizing the presentation format for the CLFS public meeting. As a result, this year we are requiring presenters to submit all presentations using a standard PowerPoint template that is available on the CMS Web site, at https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/ClinicalLabFeeSched/Laboratory_Public_Meetings.html, under the “Meeting Notice and Agenda” heading.

For reconsidered and new codes, presenters should address all of the following five items:

- (1) Reconsidered or new codes and descriptor.
- (2) Test purpose and method.
- (3) Costs.
- (4) Charges.
- (5) Recommendation with rationale for one of the two bases (crosswalking or gapfilling) for determining payment for reconsidered and new tests.

Additionally, the presenters should provide the data on which their recommendations are based. Presentations regarding reconsidered and new test codes that do not address the above five items for presenters may be considered incomplete and may not be considered by CMS when making a determination. We may, however, request missing information following the meeting to prevent a recommendation from being considered incomplete.

Taking into account the comments and recommendations (and accompanying data) received at the CLFS public meeting, we intend to post our proposed determinations with respect to the appropriate basis for establishing a payment amount for each new test code and our preliminary determinations with respect to the reconsidered codes along with an explanation of the reasons for each determination, the data on which the determinations are based, and a request for public written comments on these determinations on the CMS Web site by early September 2017. This Web site can be accessed at <http://www.cms.gov/Medicare/Medicare-Fee-for-Service->

Payment/ClinicalLabFeeSched/index.html?redirect=/ClinicalLabFeeSched/. Interested parties may submit written comments on the preliminary determinations for new and reconsidered codes by early October 2017, to the address specified in the **ADDRESSES** section of this notice or electronically to our CLFS dedicated email box, *CLFS_Annual_Public_Meeting@cms.hhs.gov* (the specific date for the publication of the determinations on the CMS Web site, as well as the deadline for submitting comments regarding the determinations, will be published on the CMS Web site). Final determinations for new test codes to be included for payment on the CLFS for CY 2018 and reconsidered codes will be posted on the CMS Web site in November 2017, along with the rationale for each determination, the data on which the determinations are based, and responses to comments and suggestions received from the public. The final determinations with respect to reconsidered codes are not subject to further reconsideration. With respect to the final determinations for new test codes, the public may request reconsideration of the basis and amount of payment as set forth in § 414.509.

III. Registration Instructions

The Division of Ambulatory Services in the CMS Center for Medicare is coordinating the CLFS public meeting registration. Beginning June 19, 2017, and ending July 14, 2017, registration may be completed on-line at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/ClinicalLabFeeSched/index.html?redirect=/ClinicalLabFeeSched/*. On this Web page, under the heading "Meeting Notice, Registration and Agenda," you will find a link entitled "Register for CLFS Annual Meeting." Click this link and enter the required information. All the following information must be submitted when registering:

- Name.
- Company name.
- Address.
- Telephone numbers.
- Email addresses.

When registering, individuals who want to make a presentation must also specify which new test codes they will be presenting comments. A confirmation will be sent upon receipt of the registration. Individuals must register by the date specified in the **DATES** section of this notice.

If not attending the CLFS public meeting in person, the public may view the meeting via webcast or listen by teleconference. During the public meeting, webcasting is accessible online

at *http://cms.gov/live*. Teleconference dial-in information will appear on the final Panel meeting agenda, which will be posted on the CMS Web site when available at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/ClinicalLabFeeSched/index.html?redirect=/ClinicalLabFeeSched/*.

IV. Security, Building, and Parking Guidelines

The meeting will be held in a Federal government building; therefore, Federal security measures are applicable. In planning your arrival time, we recommend allowing additional time to clear security. We suggest that you arrive at the CMS facility between 8:15 a.m. and 8:30 a.m. E.D.T., so that you will be able to arrive promptly at the meeting by 9:00 a.m. E.D.T. Individuals who are not registered in advance will not be permitted to enter the building and will be unable to attend the meeting. The public may not enter the building earlier than 8:15 a.m. E.D.T. (45 minutes before the convening of the meeting).

Security measures include the following:

- Presentation of government-issued photographic identification to the Federal Protective Service or Guard Service personnel. Persons without proper identification may be denied access to the building.
- Interior and exterior inspection of vehicles (this includes engine and trunk inspection) at the entrance to the grounds. Parking permits and instructions will be issued after the vehicle inspection.
- Passing through a metal detector and inspection of items brought into the building. We note that all items brought to CMS, whether personal or for the purpose of demonstration or to support a demonstration, are subject to inspection. We cannot assume responsibility for coordinating the receipt, transfer, transport, storage, set-up, safety, or timely arrival of any personal belongings or items used for demonstration or to support a demonstration.

V. Special Accommodations

Individuals attending the meeting who are hearing or visually impaired and have special requirements, or a condition that requires special assistance, should provide that information upon registering for the meeting. The deadline for registration is listed in the **DATES** section of this notice.

Dated: June 2, 2017.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2017-12544 Filed 6-15-17; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Health Profession Opportunity Grant (HPOG) program: Third Follow-Up Data Collection.

OMB No.: 0970-0394.

Description: The Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS) is proposing data collection activities as part of the Health Profession Opportunity Grant (HPOG) program. The proposed data collection activities are for the Impact Study of the first round of HPOG grants (HPOG-Impact). The goal of HPOG-Impact is to evaluate the effectiveness of approaches used by 20 of the 27 non-tribal HPOG grantees to provide TANF recipients and other low-income individuals with opportunities for education, training, and advancement within the healthcare field. It is also intended to evaluate variation in participant impact that may be attributable to different HPOG program components and models.

HPOG-Impact is one project within the broader portfolio of research that the ACF Office of Planning, Research and Evaluation (OPRE) is utilizing to assess the success of career pathways programs and models. This strategy includes a multi-pronged research and evaluation approach for the HPOG program to better understand and assess the activities and their results as well as the Pathways for Advancing Careers and Education (PACE) project. In order to maximize learning across the portfolio, survey development for the HPOG and PACE baseline and follow-up surveys has been coordinated, and the majority of the data elements collected in these surveys are similar. (See OMB Control #0970-0397 for PACE data collection.)

Four data collection efforts have been approved for HPOG research: One for approval of a Performance Reporting System (PRS) (approved September 2011); a second for collection of baseline data (approved October 2012); a third for a follow-up survey of participants administered approximately 15 months after random

assignment and for implementation study data collection (approved August 2013); and a fourth for a second follow-up survey of participants administered 36 months after random assignment (approved December 2014).

This **Federal Register** Notice provides the opportunity to comment on a proposed new information collection activity for HPOG-Impact—a third follow-up survey for HPOG-Impact participants approximately 72 months after program enrollment. The purpose

of the survey is to follow up with study participants to document their education and training experiences; employment experiences including their advancement in their career; economic well-being; student debt and repayment status; and parenting practices and child outcomes for participants with children. Previously approved collection activities under 0970–0394 will continue under this new request, specifically the 36-Month Follow-Up

Survey and the Follow-Up Survey Contact Information Update Letters.

Respondents: Random sample of individuals enrolled in the HPOG-Impact Study.

Annual Burden Estimates—New Information Collection [This information request is for a three-year period.]

Note: The burden estimate increased from the 60-day notice due to an expected increase in sample size.

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
72-Month Follow-Up Survey	2,960	987	1	0.75	740

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: OPREinfocollection@acf.hhs.gov.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: OIRA_SUBMISSION@OMB.EOP.GOV, Attn: Desk Officer for the Administration for Children and Families.

Mary Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2017–12488 Filed 6–15–17; 8:45 am]

BILLING CODE 4184–72–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Pathways for Advancing Careers and Education (PACE): Third Follow-Up Data Collection.

OMB No.: 0970–0397.

Description: The Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is proposing a data collection activity as part of the Pathways for Advancing Careers (PACE) evaluation. PACE is an evaluation of nine promising career pathways strategies to promote education, employment, and self-sufficiency. The major goal of PACE is to increase the empirical knowledge about the effectiveness of programs for low-income individuals and families to achieve educational credentials, attain employment, and advance to positions that enable self-sufficiency.

PACE is one project within the broader portfolio of research that the ACF Office of Planning, Research and Evaluation (OPRE) is utilizing to assess the success of career pathways programs and models. In addition to PACE, this strategy includes a multi-pronged research and evaluation approach for the Health Profession Opportunity Grants (HPOG) Program to better understand and assess the activities conducted and their results. In order to maximize learning across this portfolio, survey development for the HPOG and PACE baseline and follow up surveys has been coordinated, and the majority of the data elements collected in these surveys are similar. (See OMB Control #0970–0394 for HPOG data collection.)

Three data collection efforts have been approved for PACE: One for baseline data collection (approved November 2011); a second for data collection activities to document program implementation, data collection activities for an initial follow-

up survey of participants administered approximately 15 months after random assignment, and data collection through in-depth interviews for a small sample of study participants (approved August 2013); and a third for a second follow-up survey of participants administered 36 months after random assignment (approved December 2014).

This **Federal Register** Notice provides the opportunity to comment on a proposed new information collection activity for PACE—a third follow-up survey for PACE participants approximately 72 months after program enrollment. The purpose of the survey is to follow-up with study participants to document their education and training experiences; employment experiences including their advancement in their career; economic well-being; student debt and repayment status; and parenting practices and child outcomes for participants with children.

Previously approved collection activities under 0970–0397 will continue under this new request, specifically the 36-Month Follow-Up Survey and Follow-Up Survey Contact Information Update Letters.

Respondents: Individuals enrolled in the PACE study at programs selected for long-term follow-up.

Annual Burden Estimates—New Information Collection [This information request is for a three-year period.]

Note: The burden estimate increased from the 60-day notice due to an expected increase in sample size.

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
72-Month Follow-Up Survey	4,400	1,467	1	0.75	1,100

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: OPREinfocollection@acf.hhs.gov.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: OIRA_SUBMISSION@OMB.EOP.GOV, Attn: Desk Officer for the Administration for Children and Families.

Mary Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2017-12489 Filed 6-15-17; 8:45 am]

BILLING CODE 4184-09-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; Health

Services Research on Minority Health and Health Disparities.

Date: July 10, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Lorien Hotel & Spa, 1600 King Street, Alexandria, VA 22314.

Contact Person: Delia Olufokunbi Sam, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, 301-435-0684, olufokunbisamd@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Pain and Chemosensory Mechanisms.

Date: July 11-12, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: John Bishop, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7844, Bethesda, MD 20892, (301) 408-9664, bishopj@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Bacterial Pathogenesis.

Date: July 11, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Richard G Kostriken, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, 240-519-7808, kostrikr@csr.nih.gov.

Name of Committee: AIDS and Related Research Integrated Review Group; AIDS Clinical Studies and Epidemiology Study Section.

Date: July 11-12, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard Long Beach, 500 East First Street, Long Beach, CA 90802.

Contact Person: Dimitrios Nikolaos Vatakis, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3190, Bethesda, MD 20892, 301-827-7480, dimitrios.vatakis@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Cell Biology, Developmental Biology, and Bioengineering.

Date: July 11-12, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Alexander Gubin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4196, MSC 7812, Bethesda, MD 20892, 301-435-2902, gubina@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Resource for Biocomputing, Visualization, and Informatics.

Date: July 11-13, 2017.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Nuria E Assa-Munt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4164, MSC 7806, Bethesda, MD 20892, (301)451-1323, assamunu@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Oncological Sciences AREA Review.

Date: July 11, 2017.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Svetlana Kotliarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, Bethesda, MD 20892, 301-594-7945, kotliars@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Molecular Oncology.

Date: July 11, 2017.

Time: 11:30 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ola Mae Zack Howard, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7806, Bethesda, MD 20892, 301-451-4467, howardz@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Chemo and Dietary Prevention.

Date: July 11, 2017.

Time: 12:00 p.m. to 3:00 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: Syed M Quadri, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6210, MSC 7804, Bethesda, MD 20892, 301-435-1211, quadris@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Computational, Modeling, and Biodata Management.

Date: July 12, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington Embassy Row, 2015 Massachusetts Ave., NW., Washington, DC 20036.

Contact Person: Allen Richon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, MSC 7892, Bethesda, MD 20892, 301-379-9351, allen.richon@nih.hhs.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Drugs, Alcohol and Heavy Metals.

Date: July 12–13, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Michael Selmanoff, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5164, MSC 7844, Bethesda, MD 20892, 301-435-1119, selmanom@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Computational, Modeling, and Biodata Management.

Date: July 12, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington Embassy Row, 2015 Massachusetts Ave., NW., Washington, DC 20036.

Contact Person: Ross D Shonat, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6172, MSC 7892, Bethesda, MD 20892, 301-435-2786, ross.shonat@nih.hhs.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 12, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-12482 Filed 6-15-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIAID; Investigator Initiated Program Project Application (P01).

Date: July 13, 2017.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Paul A. Amstad, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G41, NIAID/NIH/DHHS, 5601 Fishers Lane, Bethesda, MD 20892-7616, 240-669-5067, pamstad@niaid.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 12, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-12480 Filed 6-15-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Minority Health and Health Disparities; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Minority Health and Health Disparities Special Emphasis Panel; Limited Competition: NIMHD Endowment Program for Increasing Research and Institutional Resources—(S21).

Date: July 17, 2017.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Gateway Plaza, 533J, 7201 Wisconsin Avenue, Suite 533, Bethesda, MD 20814.

Contact Person: Deborah Ismond, Ph.D., Scientific Review Officer, Division of Scientific Programs, National Institute on Minority Health and Health Disparities, National Institutes of Health, 7201 Wisconsin Ave., Suite 525, Bethesda, MD 20814, (301) 594-2704, ismond@nih.gov.

Dated: June 12, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-12481 Filed 6-15-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders A.

Date: June 26–27, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Grand Chicago River, 71 East Wacker Drive, Chicago, IL 60601.

Contact Person: Natalia Strunnikova, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, (301) 402–0288, Natalia.strunnikova@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: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; BRAIN U19 Review Meeting.

Date: July 6–7, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street NW., Washington, DC 20036.

Contact Person: Natalia Strunnikova, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, (301) 402–0288, Natalia.strunnikova@nih.gov.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; F32 and K22 Review.

Date: July 6–7, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Lorien Hotel and Spa, 1600 King Street, Alexandria, VA 22314.

Contact Person: Jimok Kim, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, (301) 496–9223, Jimok.kim@nih.gov.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; R35 Review.

Date: July 10, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree by Hilton Washington DC—Crystal City, 300 Army Navy Drive, Arlington, VA 22202.

Contact Person: Birgit Neuhuber, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, neuhuber@ninds.nih.gov.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; NSD Member Conflict.

Date: July 12, 2017.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Birgit Neuhuber, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, neuhuber@ninds.nih.gov.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Clinical Trial Readiness for Rare Neurological and Neuromuscular Diseases.

Date: July 14, 2017.

Time: 8:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Lorien Hotel and Spa, 1600 King Street, Alexandria, VA 22314.

Contact Person: Ana Olariu, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, (301) 496–9223, ana.olariu@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: June 12, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–12483 Filed 6–15–17; 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. 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	136	4	544	3	1,632
Section A: Rx	25	4	100	1	100
Section B: PDO	42	2	84	1	84
Total	136	.....	728	.....	1,816

Please note this notice supersedes the one that was published on 6/12/15.

Written comments and recommendations concerning the proposed information collection should be sent by July 17, 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. 2017-12519 Filed 6-15-17; 8:45 am]

BILLING CODE 4162-20-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5998-N-05]

60-Day Notice of Proposed Information Collection: State Community Development Block Grant (CDBG) Program

AGENCY: Office of Community Planning and Development (CPD), HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget

(OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date: August 15, 2017.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

FOR FURTHER INFORMATION CONTACT: James Höemann, Deputy Director, State and Small Cities Division, Office of Block Grant Assistance, 7th Floor, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email James Höemann at *james.e.hoemann@hud.gov* or telephone 202-402-5716. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Mr. Höemann.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: State Community Development Block Grant (CDBG) Program.

OMB Approval Number: 2506-0085.

Type of Request: Revision of a currently approved collection.

Form Number: HUD-40108.

Description of the need for the information and proposed use: The Housing and Community Development Act of 1974, as amended (HCDA), requires grant recipients that receive CDBG funding to retain records necessary to document compliance with statutory and regulatory requirements on an on-going basis. The statute also requires [Section 104(e)(2)] that HUD conduct an annual review to determine whether states have distributed funds to units of general local government in a timely manner. Additionally, Section 916 of the Cranston-Gonzalez National Affordable Housing Act of 1990, prescribes a consultation with representatives of the interests of the residents of the colonias.

Respondents (i.e., affected public): This information collection applies to 50 State CDBG Grantees (49 states and Puerto Rico but not Hawaii).

Estimated Number of Respondents: 50.

Estimated Number of Responses: 3,654.

Frequency of Response: Ongoing.

Average Hours per Response: 27.53.

Total Estimated Burdens: 100,569.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Record-Keeping:							
—State	50	On-going	On-going	126.00	7,550	\$34.58	\$261,079.00
—Local Government	3,500	On-going	On-going	26.13	92,700	34.58	3,205,566.00
Timely Distribution	50	1	1	2.60	130	34.58	4,495.40
Colonias Consultation	54	1	1	4.00	216	34.58	7,469.28

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Total	100,596	.....	3,478,609.68

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(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 collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: June 12, 2017.

Clifford Taffet,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 2017-12570 Filed 6-15-17; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5998-N-06]

60-Day Notice of Proposed Information Collection: Housing Opportunities for Persons With AIDS (HOPWA) Program

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* August 15, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

FOR FURTHER INFORMATION CONTACT: Lisa Steinhauer, Community Planning and Development Specialist, Office of HIV/AIDS Housing, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Lisa Steinhauer at *Lisa.A.Steinhauer@hud.gov* or telephone 202-402-5181. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Housing Opportunities for Persons With AIDS (HOPWA): Grant Application Submission, Recordkeeping, and Reporting.

OMB Approval Number: 2506-0133.

Type of Request: Revision of currently approved collection.

Form Number: HUD-40110-B, HUD-40110-C, HUD-40110-D, SF-424, SF-LLL, and HUD-2991.

Description of the need for the information and proposed use: The current paperwork reduction act approval under OMB Control No. 2506-0133 covers both the HOPWA formula and competitive grant programs. The competitive grant program includes new competitive grants and renewal grants. The information collection requirements pertain to grant application submission

requirements which will be used to rate applications, determine eligibility, and establish grant amounts. HOPWA plans to continue using form HUD-40110-B, HOPWA Competitive Application & Renewal of Permanent Supportive Housing Project Budget Summary, as a component of determining applicant eligibility and establishing grant amounts for competitive grants. Limited technical edits are proposed for form HUD-40110-B. HOPWA competitive and renewal application submission also require submission of the following forms: SF424; SFLLL; and HUD-2991. Form HUD-2991 is currently covered under OMB approval number 2506-0112.

The addition of narratives to address the five HUD standard rating factors will allow HUD to rate application and further determine eligibility and establish grant amounts. Applicants applying for HUD competitive funds are required to respond to these five rating factors in narrative form. These narratives will complement the currently approved budget summary form, and allow HUD to determine if applicants are proposing projects within statutory and regulatory limitations. The five HUD standard rating factors include: Factor 1: Capacity of the Applicant and Relevant Organizational Staff; Factor 2: Need/Extent of the Problem; Factor 3: Soundness of Approach; Factor 4: Leveraging Resources; and Factor 5: Achieving Results and Program Evaluation. New HOPWA competitive applicants will be required to respond to each rating factor within the page limits establish in the grant solicitation. HOPWA renewal applicants will also be required to respond with narratives, but the information will be more limited and focused on continued compliance with the HOPWA program activities originally awarded until their initial grant application.

The reporting and recordkeeping for both HOPWA formula and competitive grant programs are also included in this approval. Technical edits are proposed for forms HUD-40110-C and HUD-40110-D, and are limited to updating outdated references and information currently contained in the forms. Grantees provide annual information on program accomplishments that supports program evaluation and the ability to measure program beneficiary outcomes

related to: Maintaining housing stability; preventing homelessness; and improving access to care and support. Competitive grantees report through HUD-40110-C, the HOPWA Annual Performance Report (APR); Formula grantees report through HUD-40110-D, the HOPWA Consolidated Annual Performance and Evaluation Report (CAPER). Grantees are required to report on the activities undertaken only. HUD systematically reviews and conducts data analysis in order to prepare national and individual grantee performance profiles that are not only used to measure program performance against benchmark goals and objectives, but also to communicate the program's achievement and contributions towards Departmental strategic goals.

Completed technical edits incorporated into forms covered by this proposed information collection, as discussed above.

I. HUD-40110-B, HOPWA Competitive Application & Renewal of Permanent Supportive Housing Project Budget Summary

a. *Cover page description.* The statement, "Selections of applications for funding under the HOPWA Program are based on the rating factors set forth in the SuperNOFA for Housing and Community Development Programs and the criteria established in the annual HOPWA renewal notice for those permanent supportive housing grantee's seeking renewal funding." changed to, "Selections of applications for funding under the HOPWA Program are based on the rating factors set forth in the published Notice of Funding Award (NOFA) and the criteria established in

the annual HOPWA renewal notice for eligible permanent supportive housing grantees seeking renewal funding." This edit reflects a change in Departmental process that now each program office releases a NOFA when funding is available to be awarded.

b. *Cover page description.* The public reporting burden was updated on the budget form to show the number of hours it would take to complete the renewal grant application versus the new competitive grant application.

c. *Transparency Act Compliance.* This section of the form was removed. All grantees are required to enter this information into Federal Funding Accountability and Transparency Act (FFATA) Subaward Reporting System (FSRS) so it is no longer necessary to collect this information here.

d. *Applicant Certifications.* Language from Appendix A of 24 CFR part 87 was added to cover the certification regarding lobbying for all applicants.

II. HUD-40110-C, HOPWA Annual Performance Report (APR)

a. Cover page and Overview pages.

i. *Descriptive paragraph.* The number of burden hours was updated.

ii. *Recordkeeping.* HMIS overview of HOPWA elements were updated to reflect current HMIS elements.

iii. *Filing Requirements.* The physical address was updated to include the correct room number.

iv. *Program Income.* The citation was updated to reflect new 2 CFR 200 requirements.

b. Part 2: Grantee Narrative and Assessment.

i. E. *Unmet Housing Need.* This section was removed. Grantees are no

longer required to report on local unmet need.

c. Part 3: Summary Overview of Grant Activities.

i. *Section 3: Households.* The link to HUD-published area median income was updated.

III. HUD-40110-D, HOPWA Consolidated Annual Performance and Evaluation Report (CAPER)

a. Cover page and Overview pages.

i. *Descriptive paragraph.* The number of burden hours was updated.

ii. *Recordkeeping.* HMIS overview of HOPWA elements were updated to reflect current HMIS elements.

iii. *Filing Requirements.* The physical address was updated to include the correct room number.

iv. *Program Income.* The citation was updated to reflect new 2 CFR 200 requirements.

b. Part 1: 5. Grantee Narrative and Performance Assessment.

i. *d. Unmet Housing Need.* This section was removed. Grantees are no longer required to report on local unmet need.

c. Part 3. Accomplishment Data.

i. *Opening paragraph.* References to reporting in IDIS were removed.

Grantees are no longer required to use IDIS for the reporting of Accomplishment Data.

d. Part 7: Summary Overview of Grant Activities.

i. *Section 3: Households.* The link to HUD-published area median income was updated.

Respondents (i.e., affected public): HOPWA competitive and renewal grant applicants, and all HOPWA formula, competitive, and renewal grantees.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HOPWA Renewal Application	28	1	28	15	420	\$23.85	\$10,017.00
HOPWA Competitive Application	40	1	40	45	1,800	23.85	42,930.00
HUD-40110-C Annual Progress Report (APR)	99	1	99	55	5,445	23.85	129,863.25
HUD-40110-D Consolidated Annual Performance and Evaluation Report (CAPER)	128	1	128	41	5,248	23.85	125,164.80
Recordkeeping for Competitive, Renewal, and Formula Grantees	227	1	227	60	13,620	23.85	324,837.00
Grant Amendments (budget change, extension, or early termination)	30	1	30	6	180	23.85	4,293.00
Total	258	.....	552	.....	26,713	.....	637,105.05

Renewal grants are awarded for a three-year operating period. Currently, there are 82 eligible renewal grantees. The number of respondents listed for HOPWA renewal applications represents one-third of the renewal grantees, or the estimated number of grantees projected to renew HOPWA grants each year. The number of respondents listed for HOPWA competitive applications represents the number of respondents expected to submit an application if funding becomes available in the next three years. Form HUD-40110-C, the APR is submitted by all renewal and competitive grantees on an annual basis. The number of respondents for the APR include 82 renewal grantees, eight (8) current HOPWA competitive grantees, and nine (9) potential competitive grantees, if funding becomes available.

HOPWA grantees and applicants may be required to respond to more than one piece of information collection. The total number of respondents include: 82 Renewal grantees, eight (8) current HOPWA competitive grantees, 40 potential competitive applicants, and 128 current HOPWA formula grantees. The total of 552 total annual responses captures each unique response from the 258 respondents. All annualized costs reflect staff time spent on tasks in the table. The hourly rate is based on a GS-9 for Rest of United States. 26,713 hours * \$23.85 = \$637,105.05.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(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 collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: June 12, 2017.

Clifford Taffet,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 2017-12569 Filed 6-15-17; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5998-N-04]

60-Day Notice of Proposed Information Collection: HUD Environmental Review Online System (HEROS)

AGENCY: Office of Community Planning and Development (CPD), HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: Comments Due Date: August 15, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at Colette.Pollard@hud.gov for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

FOR FURTHER INFORMATION CONTACT: Elizabeth Zepeda, Senior Environmental Specialist, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Elizabeth Zepeda at Elizabeth.G.Zepeda@hud.gov or telephone 202-402-3988. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the

information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: HUD Environmental Review Online System (HEROS).

OMB Approval Number: 2506-0202.

Type of Request: Extension of currently approved collection.

Form Number: None.

Description of the need for the information and proposed use: 24 CFR part 58, "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities" requires units of general local government receiving HUD assistance to maintain a written environmental review record for all projects receiving HUD funding documenting compliance with the National Environmental Policy Act (NEPA), the regulations of the Council on Environmental Quality, related federal environmental laws, executive orders, and authorities, and Part 58 procedure. Various laws that authorize this procedure are listed in 24 CFR 58.1(b). 24 CFR part 50, "Protection and Enhancement of Environmental Quality," implements procedures for HUD to perform environmental reviews for projects where Part 58 is not permitted by law. Under Part 50, HUD staff complete the environmental review records, but they may use any information supplied by an applicant or contractor, provided HUD independently evaluates the information and is responsible for its accuracy and prepares the environmental finding. The HUD Environmental Review Online System (HEROS) allows users to complete, store, and submit their environmental review records and documents online. HEROS is currently optional for Responsible Entity and other non-HUD users, who may continue to use paper-based environmental review formats; however, HUD staff in many offices are required to use HEROS to complete their environmental reviews.

Respondents (i.e. affected public): The respondents are state and local governments receiving HUD funding who are required to complete environmental reviews.

Estimated Number of Respondents: 3,932.

Estimated Number of Responses: 1.
Frequency of Response: 3,932.

Average Hours per Response: Varies depending on level of review (see table below). Reviews that are exempt or categorically excluded not subject to the related laws and authorities (CENST) take roughly 45 minutes to complete. Reviews that are categorically excluded

subject to the related laws (CEST) or require an Environmental Assessment

(EA) take an average of 4 hours to complete.

Total Estimated Burdens: 7,752 hours or \$258,391.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Exempt/CENST reviews	2,454	1	2,454	45	1,840.5	\$33.33	\$6,1344
CEST/EA reviews	1,478	1	1,478	4	5,912	33.33	197,047
Total	3,932	1	3,932	.....	7,752.5	33.33	258,391

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

- (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
 - (2) The accuracy of the agency's estimate of the burden of the proposed collection of information;
 - (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 collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.
- HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Date: June 12, 2017.

Clifford Taffet,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 2017-12571 Filed 6-15-17; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5998-N-03]

60-Day Notice of Proposed Information Collection: Congressional Earmarks

AGENCY: Office of Community Planning and Development (CPD), HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is

requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: Comments Due Date: August 15, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at Colette.Pollard@hud.gov for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

FOR FURTHER INFORMATION CONTACT: Anupama Abhyankar, Grants Management Specialist, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Anupama.Abhyankar@hud.gov or telephone 202-402-3981. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Congressional Earmark Grants.
OMB Approval Number: 2506-0179.
Type of Request: Extension of a currently approved collection.

Form Number: SF-424; SF-LLL; SF-1199A; HUD-27054; SF-425; HUD 27053, HUD-27056.

Description of the need for the information and proposed use: The Department's Office of Policy Development and Coordination administers congressionally mandated grants, known as earmarks. These projects have been identified in the annual appropriation of funds to the Department and in the accompanying conference reports or congressional record accompanying each appropriation. Earmarks generally fall into two categories: Economic Development Initiative-Special Project (EDI-SP) and Neighborhood Initiative (NI) grants.

HUD's Office of Policy Development and Coordination and its Environmental Officers in the field use this information to make funds available to entities directed to receive funds appropriated by Congress. This information is used to collect, receive, review and monitor program activities through applications, semi-annual reports, and close out reports. The information that is collected is used to assess performance. Grantees are units of state and local government, nonprofits and Indian tribes. Respondents are initially identified by congress and generally fall into two categories: Economic Development Initiative-Special Project (EDI-SP) grantees and Neighborhood Initiative (NI) grantees. The agency has used the application, semi-annual reports and close out reports to track grantee performance in the implementation of approved projects.

Respondents (i.e. affected public): 450.

Estimated Number of Respondents: 450.

Estimated Number of Responses: 900.

Frequency of Response: 2.

Average Hours per Response: .50.

Total Estimated Burdens: annual burden hours 450 cost \$15,075.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
.....	450	2	900	.5	450	\$33.50	\$15,075
Total .....	.....	.....	.....	.....	.....	.....	.....

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(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 collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Date: June 12, 2017.
Clifford Taffet,
General Deputy Assistant Secretary for Community Planning and Development.
 [FR Doc. 2017-12572 Filed 6-15-17; 8:45 am]
BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-HQ-IA-2017-0019; FXIA1671090000-156-FF09A30000]

Endangered Species; Marine Mammals: Issuance of Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of permits.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have issued the following permits to conduct certain activities with endangered species, marine mammals, or both. We issue these permits under the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA).

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information

Act, by any party who submits a written request for a copy of such documents to: U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041; fax (703) 358-2281. To locate the **Federal Register** notice that announced our receipt of the application for each permit listed in this document, go to www.regulations.gov and search on the permit number provided in the tables below in **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT:

Joyce Russell, (703) 358-2023; (telephone); (703) 358-2281; (fax); DMAFR@fws.gov (email).

SUPPLEMENTARY INFORMATION: On the dates below, as authorized by the provisions of the ESA, as amended (16 U.S.C. 1531 *et seq.*), and/or the MMPA, as amended (16 U.S.C. 1361 *et seq.*), we issued requested permits subject to certain conditions set forth therein. For each permit for an endangered species, we found that (1) the application was filed in good faith, (2) the granted permit would not operate to the disadvantage of the endangered species, and (3) the granted permit would be consistent with the purposes and policy set forth in section 2 of the ESA.

ENDANGERED SPECIES

Permit number	Applicant	Receipt of application Federal Register notice	Permit issuance date
04978C	Maire A. Malone	81 FR 83278; November 21, 2016	January 09, 2017.
24006B	Gerard Z. Siatkowski	81 FR 27169; May 5, 2016	January 09, 2017.
02129C	Museum of Wildlife and Fish Biology	81 FR 83278; Nov 21, 2016	January 17, 2017.
11143C	Pedro Salazar Sr	81 FR 90864; Dec 15, 2016	February 09, 2017.
05222C	Smithsonian National Zoological Park	81 FR 86723; December 1, 2016	February 13, 2017.
06408C	US Geological Survey	81 FR 76959; November 4, 2016	February 23, 2017.
94136B	Miami Seaquarium dba Festival Fun Parks, LLC ...	81 FR 90864; December 15, 2016	March 02, 2017.
12499C	Robert M. Behrend	81 FR 92845; December 20, 2016	March 01, 2017.
12330C	Ian K. Brimhall	81 FR 92845; December 20, 2016	March 06, 2017.

MARINE MAMMALS

Permit number	Applicant	Receipt of application Federal Register notice	Permit issuance date
11556C	British Broadcasting Corporation	81 FR 92845; December 20, 2016	February 15, 2017.
02152C	SeaWorld LLC	81 FR 66991; September 29, 2016	March 2, 2017.

Authority: We issue this notice under the authority of the ESA, as amended (16 U.S.C. 1531 *et seq.*), and the MMPA, as amended (16 U.S.C. 1361 *et seq.*).

Joyce Russell,

Government Information Specialist, Branch of Permits, Division of Management Authority.

[FR Doc. 2017-12518 Filed 6-15-17; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-HQ-IA-2017-0029; FXIA1671090000-156-FF09A30000]

Endangered Species; Marine Mammals: Issuance of Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of permits.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have issued the following permits to conduct certain activities with endangered species, marine mammals, or both. We issue these permits under the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA).

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041; fax 703-358-2281. To locate the **Federal Register** notice that announced our receipt of the application for each

permit listed in this document, go to www.regulations.gov and search on the permit number provided in the tables in **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Joyce Russell, (703) 358-2023 (telephone); (703) 358-2281 (fax); or DMAFR@fws.gov (email).

SUPPLEMENTARY INFORMATION: On the dates below, as authorized by the provisions of the ESA, as amended (16 U.S.C. 1531 *et seq.*), and/or the MMPA, as amended (16 U.S.C. 1361 *et seq.*), we issued requested permits subject to certain conditions set forth therein. For each permit for an endangered species, we found that (1) the application was filed in good faith, (2) the granted permit would not operate to the disadvantage of the endangered species, and (3) the granted permit would be consistent with the purposes and policy set forth in section 2 of the ESA.

ENDANGERED SPECIES

Permit No.	Applicant	Receipt of application Federal Register notice	Permit issuance date
86614B	Michael Rohweder	81 FR 90863; December 15, 2016	March 7, 2017.
045532	NOAA/National Marine Fisheries Service	81 FR 95628; December 28, 2016	March 27, 2017.
11262C	Lewis E. Hardbower III	81 FR 90864; December 15, 2016	March 29, 2017.
96802B	Louisiana State University	81 FR 90863; December 15, 2016	March 30, 2017.

MARINE MAMMALS

Permit No.	Applicant	Receipt of application Federal Register notice	Permit issuance date
02129C	Museum of Wildlife and Fish Biology, University of California, Davis.	81 FR 83278; November 21, 2016	January 12, 2017.
01370C	Passion Planet	81 FR 51926; August 5, 2016	April 7, 2017.

Authority: We issue this notice under the authority of the ESA, as amended (16 U.S.C. 1531 *et seq.*), and the MMPA, as amended (16 U.S.C. 1361 *et seq.*).

Joyce Russell,

Government Information Specialist, Branch of Permits, Division of Management Authority.

[FR Doc. 2017-12529 Filed 6-15-17; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-NER-FOMR-23042; PPNENELA00, PFLEMEM82.XY0000]

Boundary Revision at Fort Monroe National Monument

AGENCY: National Park Service, Interior.

ACTION: Notification of boundary revision.

SUMMARY: The boundary of Fort Monroe National Monument is modified to include 44 acres of land, more or less, located in the City of Hampton, Virginia, consisting of two parcels immediately adjacent to the boundary of Fort Monroe National Monument. Subsequent to the proposed boundary revision, the United States will acquire the lands by donation from the Commonwealth of Virginia.

DATES: The effective date of this boundary revision is June 16, 2017.

ADDRESSES: The map depicting this boundary revision is available for inspection at the following locations: National Park Service, Land Resources Program Center, Northeast Region, New England Office, 115 John Street, 5th Floor, Lowell, Massachusetts 01852, at (978) 970-5262 and National Park Service, Department of the Interior, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Deputy Realty Officer Jennifer Cherry, National Park Service, Land Resources Program Center, Northeast Region, New England Office, 115 John Street, 5th Floor, Lowell, Massachusetts 01852, at (978) 970-5262.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to 54 U.S.C. 100506, the boundary of Fort Monroe National Monument is modified to include 44 acres of land, more or less, identified as: Wherry Quarters addition Fee area of 40 acres of land, more or less, and Easement area of 4 acres of land, more or less. These lands are located in the City of Hampton, Virginia, immediately adjacent to the boundary of Fort Monroe National Monument. The boundary revision is depicted on Map No. 250/133082, dated June 9, 2016.

Specifically, 54 U.S.C. 100506 provides that, after notifying the House

Committee on Natural Resources and the Senate Committee on Energy and Natural Resources, the Secretary of the Interior is authorized to make this boundary revision upon publication of notice in the **Federal Register**. The Committees have been notified of this boundary revision. This boundary revision and subsequent acquisition will ensure preservation and protection of Fort Monroe's scenic and historic resources.

Dated: June 8, 2017.

Jonathan Meade,

Deputy Regional Director, Northeast Region.

[FR Doc. 2017-12485 Filed 6-15-17; 8:45 am]

BILLING CODE 4312-52-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-476 and 731-TA-1179 (Review)]

Multilayered Wood Flooring From China; Scheduling of Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of full reviews pursuant to the Tariff Act of 1930 ("the Act") to determine whether revocation of the antidumping duty and countervailing duty orders on multilayered wood flooring from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission has determined to exercise its authority to extend the review period by up to 90 days.

DATES: *Effective Date:* June 12, 2017.

FOR FURTHER INFORMATION CONTACT: Drew Dushkes (202-205-3229), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 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 review may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On February 6, 2017, the Commission determined that responses to its notice of institution of the subject five-year reviews were such that full reviews should proceed (82 FR 10588, February 14, 2017); accordingly, full reviews are being scheduled pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)). A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's Web site.

Participation in the reviews and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the reviews will be placed in the nonpublic record on September 22, 2017, and a public version will be

issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the reviews beginning at 9:30 a.m. on Thursday, October 12, 2017, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before October 5, 2017. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should participate in a prehearing conference to be held on October 11, 2017, at the U.S. International Trade Commission Building, if deemed necessary. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is October 3, 2017. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is October 23, 2017. In addition, any person who has not entered an appearance as a party to the reviews may submit a written statement of information pertinent to the subject of the reviews on or before October 23, 2017. On November 17, 2017, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before November 21, 2017, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on

E-Filing, available on the Commission's Web site at <https://edis.usitc.gov>, elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

The Commission has determined that these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C.1675(c)(5)(B).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: June 13, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017-12510 Filed 6-15-17; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 337-TA-565/946]

Certain Ink Cartridges and Components Thereof; Institution of an Advisory Opinion Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to institute an advisory opinion proceeding in the above-captioned investigations.

FOR FURTHER INFORMATION CONTACT:

Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2392. 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 at <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 Inv. No. 337-TA-565 on March 23, 2006, based on a complaint filed by Epson Portland, Inc. of Hillsboro, Oregon, Epson America, Inc. of Long Beach, California, and Seiko Epson Corporation of Nagano-Ken, Japan (collectively, "Epson"). 71 FR 14720 (Mar. 23, 2006). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by reason of infringement of certain claims of U.S. Patent Nos. 5,615,957; 5,622,439; 5,158,377; 5,221,148; 5,156,472; 5,488,401; 6,502,917; 6,550,902; 6,955,422; 7,008,053; and 7,011,397. The Commission's notice of investigation named 24 respondents including Ninestar Technology Company Ltd. of Montclair, California ("Ninestar"). The Office of Unfair Import Investigations participated in the investigation. Several respondents were terminated from the investigation on the basis of settlement agreements or consent orders or were found in default. On October 19, 2007, the Commission issued a general exclusion order ("GEO") and a limited exclusion order. The Commission also issued cease and desist orders ("CDO") directed to several domestic respondents.

The Commission instituted Inv. No. 337-TA-946 on January 27, 2015, based on a complaint filed by Epson. 80 FR 4314-16 (Jan. 27, 2015). That complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by reason of infringement of certain claims of U.S. Patent Nos. 8,366,233; 8,454,116; 8,794,749; 8,801,163; and 8,882,513. The Commission's notice of investigation named numerous respondents. The Office of Unfair Import Investigations participated in the investigation. All the participating respondents were terminated from the investigation as a result of settlement agreements and/or consent motion stipulations. A number of the named respondents defaulted. On

October 28, 2015, the presiding administrative law judge (ALJ) issued an initial determination granting Epson's motion for summary determination of violation of section 337 by the defaulting respondents. Based on evidence of a pattern of violation and difficulty ascertaining the source of the infringing products, the Commission issued a GEO and CDOs directed to two defaulted domestic respondents on May 26, 2016.

On April 26, 2017, Ninestar, Ninestar Image Tech. Ltd., and Apex Microtech Ltd. (collectively, "Requesters") filed a request for a consolidated advisory opinion proceeding in both investigations pursuant to Commission Rule 210.79 (19 CFR 210.79). Specifically, Requesters seek an advisory opinion that will declare that their refurbished Epson ink cartridges remanufactured using empty Epson ink cartridges collected from the United States are outside the scope of the GEOs and CDOs issued in both investigations. Requesters also ask that the advisory opinion proceeding be conducted in an expedited manner pursuant to Commission Rule 210.2 (19 CFR 210.2), without a formal hearing or discovery. Epson filed a timely response opposing the request. Thereafter, Requesters filed a motion for leave to file a reply to Epson's response.

The Commission has determined that the request complies with the requirements for institution of an advisory opinion proceeding under Commission Rule 210.79. Accordingly, the Commission has determined to institute a consolidated advisory opinion proceeding in both investigations and referred the request to the Chief ALJ to designate a presiding ALJ. Epson, the Requesters, and the Office of Unfair Import Investigations are named as parties to the proceeding. The Commission has also determined to deny Requesters' motion for leave to file a reply.

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 part 210).

By order of the Commission.

Issued June 12, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017-12487 Filed 6-15-17; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1022]

Certain Sleep-Disordered Breathing Treatment Mask Systems and Components Thereof; Commission Determination Not To Review an Initial Determination Granting Complainants' Unopposed Motion To Terminate the Investigation in its Entirety Based Upon Withdrawal of the Complaint; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 18) granting complainants' unopposed motion to terminate the investigation in its entirety based upon withdrawal of the complaint.

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 at <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 Inv. No. 337-TA-1022 on September 22, 2016, based on a complaint filed by ResMed Corp. of San Diego, California; ResMed Inc. of San Diego, California; and ResMed Ltd. of New South Wales, Australia (collectively, "ResMed"). 81 FR 65411 (Sept. 22, 2016). The complaint alleges violations of section 337 of the Tariff Act of 1930 (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 sleep-disordered breathing

treatment mask systems and components thereof that infringe one or more claims of U.S. Patent No. 8,960,196 and U.S. Patent No. 9,119,931. The notice of investigation named the following respondents: Fisher & Paykel Healthcare Limited of Auckland, New Zealand; Fisher & Paykel Healthcare, Inc. of Irvine, California; and Fisher & Paykel Healthcare Distribution Inc., of Irvine, California (collectively "Fisher & Paykel"). The Office of Unfair Import Investigations is not participating in the investigation.

On May 16, 2017, ResMed moved to terminate the investigation in its entirety based upon withdrawal of the complaint. Fisher & Paykel filed a response not opposing the motion, but reserving their rights to seek sanctions or appropriate relief.

On May 17, 2017, the ALJ issued the subject ID, granting the unopposed motion. The ALJ found that the motion complies with the requirements of Commission Rule 210.21(a)(1) (19 CFR 210.21(a)(1)) and further found that there are no extraordinary circumstances that warrant denying the motion. None of the parties petitioned for review of the ID.

The Commission has determined not to review the ID. Thus, the investigation is terminated.

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 part 210).

By order of the Commission.
Issued: June 13, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017-12521 Filed 6-15-17; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121-0329]

Agency Information Collection Activities; Proposed eCollection; eComments Requested; Substantive Revision of Previously Approved Collection OJP Solicitation Template

AGENCY: Office of Justice Programs, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs (OJP), will be submitting the following

information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until August 15, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Maria Swineford, (202) 616-0109, Office of Audit, Assessment, and Management, Office of Justice Programs, U.S. Department of Justice, 810 Seventh Street NW., Washington, DC 20531 or maria.swineford@usdoj.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, 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;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection:* Substantive Revision to 1121-0329.
2. *The Title of the Form/Collection:* OJP Solicitation Template.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* No form number available. Office of Justice Programs, Department of Justice.
4. *Affected public who will be asked or required to respond, as well as a brief abstract:* The primary respondents are

state agencies, tribal governments, local governments, colleges and universities, non-profit organizations, for-profit organizations, and faith-based organizations. The purpose of the solicitation template is to provide a framework to develop program-specific announcements soliciting applications for funding. A program solicitation outlines the specifics of the funding program; describes requirements for eligibility; instructs an applicant on the necessary components of an application under a specific program (e.g., project activities, project abstract, project timeline, proposed budget, etc.); outlines program evaluation and performance measures; explains selection criteria and the review process; and provides registration dates, deadlines, and instructions on how to apply within the designated application system.

The substantive revision to this collection include three items: (1) The OJP Budget Detail Worksheet; (2) the Coordinated Tribal Assistance Solicitation (CTAS) Tribal Narrative Profile, Budget Detail Worksheet and Demographic Form; and (3) the Financial Management and System of Internal Controls Questionnaire (FCQ).

The now mandatory OJP Budget Detail Worksheet (BDW) will be streamlined and automated with the intent of reducing the burden on public submissions. The current PDF format will be converted to Excel, providing ease of entry and more accurate detail of budget information. Additionally, the BDW has taken the "consultant/contracts" section and broken the details out into two separate sections, "subrecipient/subgrants" and "procurement contracts" to better categorize the details of proposed consultants. Updated and clearer guidance will also be added to better explain how to complete the BDW and the level of detail required in each section.

The Coordinated Tribal Assistance Solicitation (CTAS) Tribal Community and Justice Profile is designed to allow the tribe to describe its community strengths, resources, challenges, and needs. The applicant may enter as much or as little text as needed to fully describe the community. The CTAS BDW and Demographics Form will be updated to align with the BDW streamlining and automation efforts. In addition to those revisions, the Demographics section of the CTAS BDW is designed to capture the unique characteristics of each tribe in order to paint a more detailed picture of each tribe's strengths and challenges. It requests applicants to provide

information regarding tribe information; Uniform Crime Report data; law enforcement information; and facilities, capacities, and capabilities information.

The revised FCQ will include five new questions: Three which are required by legislation regarding nonprofit status; one which is simply a clarification of an existing approved question regarding subawards and procurement contracts; and one regarding executive compensation that is also required by legislation and was already part of the approved OJP solicitation template but was requiring a separate email submission to OJP. Adding it to the FCQ will save the applicant time and effort.

The primary respondents for all three revisions are the same, as listed above. While use of the CTAS BDW and Demographics form is not mandatory, it is required that all applicants ensure that all budget and demographic information requested in the form is included in whichever format the applicant chooses to use. OJP intends to require the same with the OJP BDW. The FCQ is also required of all application submissions that do not already have an updated FCQ on file within the last 3 years.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that information will be collected annually from approximately 10,000 applicants. Annual cost to the respondents is based on the number of hours involved in preparing and submitting a complete application package. Mandatory requirements for an application under the OJP Standard Solicitation Template include a program narrative; budget details and narrative, via the OJP standard BDW; Applicant Disclosure of Pending Applications; Applicant Disclosure of High Risk Status; and the FCQ. With the exception of the Tribal Narrative Profile and added Demographic form, the mandatory requirements for an application under the CTAS Solicitation Template are the same as those for OJP. Optional requirements can be made mandatory depending on the type of program to include, but not limited to: Project abstract, indirect cost rate agreement, tribal authorizing resolution, timelines, logic models, memoranda of understanding, letters of support, resumes, and research and evaluation independence and integrity. Public reporting burden for this collection of information is estimated at up to 32 hours per application. The 32-hour estimate is based on the amount of time to prepare a research and evaluation

proposal, one of the most time intensive types of application solicited by OJP. The estimate of burden hours is based on OJP's prior experience with the research application submission process.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this application is 320,000 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: June 12, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017-12468 Filed 6-15-17; 8:45 am]

BILLING CODE 4410-18-P

DEPARTMENT OF LABOR

Office of the Assistant Secretary for Administration and Management; Agency Information Collection Activities; Comment Request; Department of Labor; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, "Department of Labor Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery." This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA). This collection has been developed as part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on service delivery.

DATES: Consideration will be given to all written comments received by August 15, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge by contacting Michel Smyth by telephone

at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or by email at DOL_PRA_PUBLIC@dol.gov.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: DOL_PRA_PUBLIC@dol.gov.

FOR FURTHER INFORMATION CONTACT:

Contact Michel Smyth by telephone at 202-693-4129 (this is not a toll-free number) or by email at DOL_PRA_PUBLIC@dol.gov.

Authority: 44 U.S.C. 3506(c)(2)(A).

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

This information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improve service delivery. By, "qualitative feedback," the DOL means information that provides useful insights on perceptions and opinions, but does not entail 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 DOL and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses

will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information were not collected, vital feedback from customers and stakeholders on DOL services would be unavailable.

The DOL will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collection is voluntary;
- The collection is low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and is low-cost for both the respondents and the Federal Government;
- The collection is non-controversial and does not raise issues of concern to other Federal agencies;
- The collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information is collected only to the extent necessary and is not retained;
- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collection will not be designed or be expected to yield statistically reliable results or be used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does 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 would require more rigorous designs that address: The target population to which generalizations would be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that would 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 would be undertaken prior to fielding the

study. Depending on the degree of influence the results are likely to have, such collections could 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.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1225-0088.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on August 31, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1225-0088.

Submitted comments will also be a matter of public record for this ICR and posted on the Internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–OASAM.

Type of Review: Extension without change of a currently approved collection.

Title of Collection: Department of Labor Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 1225–0088.

Affected Public: Individuals or Households; State Local, and Tribal Governments; and Private Sector—businesses or other for-profits, farms, and not for profit institutions.

Estimated Number of Respondents: 380,000.

Frequency: Once.

Total Estimated Annual Responses: 380,000.

Estimated Average Time per Response: Various, averaging 6 minutes.

Estimated Total Annual Burden

Hours: 38,000 hours.

Total Estimated Annual Other Cost Burden: \$0.

Dated: June 12, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–12490 Filed 6–15–17; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0007]

Proposed Extension of Information Collection; Mine Accident, Injury, and Illness Report and Quarterly Mine Employment and Coal Production Report

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 the Mine Accident, Injury, and Illness Report and Quarterly Mine Employment and Coal Production Report.

DATES: All comments must be received on or before August 15, 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–2017–0016.

- *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.

The reporting and recordkeeping provisions in 30 CFR part 50, Notification, Investigation, Reports and Records of Accidents, Injuries and

Illnesses, Employment and Coal Production in Mines, are essential elements in MSHA's Congressional mandate to reduce work-related injuries and illnesses among the nation's miners.

Section 50.10 requires mine operators and independent contractors to immediately notify MSHA in the event of an accident. This immediate notification is critical to MSHA's timely investigation and assessment of the cause of the accident.

Section 50.11 requires that the mine operator or independent contractor investigate each accident and occupational injury and prepare a report. The mine operator or independent contractor may not use MSHA Form 7000–1 as the investigation report, except if the operator or contractor employs fewer than 20 miners and the injury is not related to an accident.

Section 50.20 requires mine operators and independent contractors to report each accident, injury, and illness to MSHA on Form 7000–1 within 10 working days after an accident or injury has occurred or an occupational illness has been diagnosed. The use of MSHA Form 7000–1 provides for uniform information gathering across the mining industry.

Section 50.30 requires that all mine operators and independent contractors working on mine property report employment to MSHA quarterly on Form 7000–2, and that coal mine operators and independent contractors also report coal production.

Accident, injury, and illness data, when correlated with employment and production data, provide information that allows MSHA to improve its safety and health enforcement programs, focus its education and training efforts, and establish priorities for its technical assistance activities in mine safety and health. Maintaining a current database allows MSHA to identify and direct increased attention to those mines, industry segments, and geographical areas where hazardous trends are developing. This could not be done effectively using historical data. The information collected under part 50 is the most comprehensive and reliable occupational data available concerning the mining industry.

Section 103(d) of the Mine Act mandates that each accident be investigated by the operator to determine the cause and means of preventing a recurrence. Records of such accidents and investigations must be kept and made available to the Secretary or his authorized representative and the appropriate State agency. Section 103(h) requires

operators to keep any records and make any reports that are reasonably necessary for MSHA to perform its duties under the Mine Act. Section 103(j) requires operators to notify MSHA of the occurrence of an accident and to take appropriate measures to preserve any evidence that would assist in the investigation into the causes of the accident.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to the Mine Accident, Injury, and Illness Report and Quarterly Mine Employment and Coal Production Report. 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 the Mine Accident, Injury, and Illness Report and Quarterly Mine Employment and Coal Production Report. 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: 1219-0007.

Affected Public: Business or other for-profit.

Number of Respondents: 24,958.

Frequency: On occasion.

Number of Responses: 118,417.

Annual Burden Hours: 162,326 hours.

Annual Respondent or Recordkeeper Cost: \$2,617.

MSHA Forms: MSHA Form 7000 1, Mine Accident, Injury, and Illness Report; MSHA Form 7000 2, Quarterly Mine Employment and Coal Production 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. 2017-12541 Filed 6-15-17; 8:45 am]

BILLING CODE 4510-43-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219-0116]

Proposed Extension of Information Collection; Examinations and Testing of Electrical Equipment, Including Examination, Testing, and Maintenance of High Voltage Longwalls

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 Examinations and Testing of Electrical Equipment, Including Examination, Testing, and Maintenance of High Voltage Longwalls.

DATES: All comments must be received on or before August 15, 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-2017-0017.

- *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

The Federal Mine Safety and Health Act of 1977 (Mine Act) and 30 CFR parts 75 and 77, mandatory safety standards for coal mines, make this collection of information necessary. Subsection 103(h) of the 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.

Inadequate maintenance of electric equipment is a major cause of serious electrical accidents in the coal mining industry. It is imperative that mine operators adopt and follow an effective maintenance program to ensure that electric equipment is maintained in a safe operating condition to prevent electrocutions, mine fires and mine explosions. MSHA regulations require the mine operator to establish an electrical maintenance program by specifying minimum requirements for the examination, testing, and maintenance of electric equipment. The regulations also contain recordkeeping requirements that help operators in implementing an effective maintenance program.

(a) Examinations of Electric Equipment

(1) Section 75.512 requires that all electric equipment be frequently examined, tested, and maintained by a qualified person to assure safe operating conditions and that a record of such examinations be kept. Section 75.512–2 specifies that required examinations and tests be made at least weekly.

(2) Section 75.703–3(d)(11) requires that all grounding diodes be tested, examined, and maintained as electric equipment and records of these activities be kept in accordance with the provisions of section 75.512.

(3) Section 77.502 requires that electric equipment be frequently examined, tested, and maintained by a qualified person to ensure safe operating conditions and that a record of such examinations be kept. Section 77.502–2 requires these examinations and tests at least monthly.

(b) Examinations of High-Voltage Circuit Breakers

(1) Section 75.800 requires that circuit breakers protecting high-voltage circuits, which enter the underground area of a coal mine, be properly tested and maintained as prescribed by the Secretary. Section 75.800–3 requires that such circuit breakers be tested and examined at least once each month. Section 75.800–4 requires that a record of the examinations and tests be made.

(2) Section 75.820 requires persons to lock-out and tag disconnecting devices when working on circuits and equipment associated with high-voltage longwalls.

(3) Section 75.821(a) requires testing and examination of each unit of high-voltage longwall equipment and circuits to determine that electrical protection, equipment grounding, permissibility, cable insulation, and control devices are being properly maintained to prevent fire, electrical shock, ignition, or operational hazards. These tests and examinations, including the activation of the ground-fault test circuit, are required once every seven days. Section 75.821(b) requires that each ground-wire monitor and associated circuits be examined and tested at least once every 30 days. Section 75.821(d) requires that, at the completion of examinations and tests, the person making the examinations and tests must certify that they have been conducted. In addition, a record must be made of any unsafe condition found and any corrective action taken; these certifications and records must be kept at least one year.

(4) Section 77.800 requires that circuit breakers protecting high-voltage portable or mobile equipment be

properly tested and maintained. Section 77.800–1 requires that such circuit breakers be tested and examined at least once each month. Section 77.800–2 requires a record of each test, examination, repair, or adjustment of all circuit breakers protecting high-voltage circuits.

(c) Examinations of Low- and Medium-Voltage Circuits

(1) Section 75.900 requires that circuit breakers protecting low- and medium-voltage power circuits serving three-phase alternating-current equipment be properly tested and maintained. Section 75.900–3 requires that such circuit breakers be tested and examined at least once each month. Section 75.900–4 requires that a record of the required examinations and tests be made.

(2) Section 77.900 requires that circuit breakers protecting low- and medium-voltage circuits which supply power to portable or mobile three-phase alternating-current equipment be properly tested and maintained. Section 77.900–1 requires that such circuit breakers be tested and examined at least once each month. Section 77.900–2 requires that a record of the examinations and tests be made.

(d) Tests and Calibrations of Automatic Circuit Interrupting Devices

Section 75.1001–1(b) requires that automatic circuit interrupting devices that protect trolley wires and trolley feeder wires be tested and calibrated at intervals not to exceed six months. Section 75.1001–1(c) requires that a record of the tests and calibrations be kept.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Examinations and Testing of Electrical Equipment, Including Examination, Testing, and Maintenance of High Voltage Longwalls. 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 Examinations and Testing of Electrical Equipment, Including Examination, Testing, and Maintenance of High Voltage Longwalls. 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: 1219–0116.

Affected Public: Business or other for-profit.

Number of Respondents: 843.

Frequency: On occasion.

Number of Responses: 405,606.

Annual Burden Hours: 73,784 hours.

Annual Respondent or Recordkeeper Cost: \$0.

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. 2017–12540 Filed 6–15–17; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR**Mine Safety and Health Administration**

[OMB Control No. 1219-0015]

Proposed Extension of Information Collection; Refuse Piles and Impoundment Structures, Recordkeeping and Reporting Requirements**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 Refuse Piles and Impoundment Structures, Recordkeeping and Reporting Requirements.

DATES: All comments must be received on or before August 15, 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-2017-0018.

- *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.

Title 30 CFR part 77, subpart C, sets forth standards for surface installations. More specifically, the sections cited in the title of this supporting statement address refuse piles (30 CFR 77.215), and impoundments (30 CFR 77.216). Impoundments are structures that can impound water, sediment, or slurry or any combination of materials, and refuse piles are deposits of coal mine waste (other than overburden or spoil) that are removed during mining operations or separated from mined coal and deposited on the surface. The failure of these structures can have a devastating effect on a community. To avoid or minimize such disasters, MSHA has promulgated standards for the design, construction, and maintenance of these structures; for annual certifications; for certification for hazardous refuse piles; for the frequency of inspections; and the methods of abandonment for impoundments and impounding structures.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Refuse Piles and Impoundment Structures, Recordkeeping and Reporting Requirements. 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 Refuse Piles and Impoundment Structures, Recordkeeping and Reporting Requirements. 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: 1219-0015.

Affected Public: Business or other for-profit.

Number of Respondents: 632.

Frequency: On occasion.

Number of Responses: 31,414.

Annual Burden Hours: 76,794 hours.

Annual Respondent or Recordkeeper Cost: \$2,034,585.

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. 2017-12542 Filed 6-15-17; 8:45 am]

BILLING CODE 4510-43-P

NATIONAL CREDIT UNION ADMINISTRATION**Sunshine Act: Notice Of Agency Meeting**

TIME AND DATE: 10:00 a.m., Friday, June 23, 2017

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street (All visitors

must use Diagonal Road Entrance), Alexandria, VA 22314-3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. NCUA's Rules and Regulations, Statutory Inflation Adjustment of Civil Money Penalties.

2. NCUA's Rules and Regulations, Freedom of Information Act.

3. NCUA's Rules and Regulations, Safe Harbor.

4. NCUA's Rules and Regulations, Corporate Credit Unions.

5. Request for Comment, Overhead Transfer Rate Methodology.

6. Board Briefing, Enterprise Solution Modernization Program.

FOR FURTHER INFORMATION CONTACT:

Gerard Poliquin, Secretary of the Board, Telephone: 703-518-6304

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2017-12651 Filed 6-14-17; 4:15 pm]

BILLING CODE 7535-01-P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act: Notice of Agency Meeting

TIME AND DATE: 3:30 p.m., Wednesday, June 21, 2017.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314-3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Appeal of Denial of Official. Closed pursuant to Exemptions (6), and (8).

2. Supervisory Action. Closed pursuant to Exemptions (8), (9)(i)(B), and (9)(ii).

3. Supervisory Action. Closed pursuant to Exemptions (8), (9)(i)(B), and (9)(ii).

4. Supervisory Action. Closed pursuant to Exemptions (8), (9)(i)(B), and (9)(ii).

FOR FURTHER INFORMATION CONTACT:

Gerard Poliquin, Secretary of the Board, Telephone: 703-518-6304.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2017-12650 Filed 6-14-17; 4:15 pm]

BILLING CODE 7535-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-443-LA2; ASLBP No. 17-953-02-LA-BD01]

Atomic Safety and Licensing Board; In the Matter of Nextera Energy Seabrook, LLC (Seabrook Station, Unit One)

June 5, 2017.

Before Administrative Judges: Ronald M. Spritzer, Chairman, Nicholas G. Trikouras, Dr. Sekazi Mtingwa.

Order

(Scheduling Oral Argument and Providing Instructions)

Before the Board is the petition of the C-10 Research and Education Foundation, Inc. (C-10) challenging a license amendment request submitted by NextEra Energy Seabrook LLC (NextEra) for Seabrook Station, Unit 1, located in Seabrook, New Hampshire. Oral argument on standing and contention admissibility will be held on Thursday, June 29, 2017, beginning at 10:00 a.m. EDT. The Board anticipates that oral argument will last approximately three hours.

The argument will take place by online video conference. Citrix *GoToMeeting* will be used for the video component of oral argument and telephone access will be used for the audio component. The Board will conduct oral argument from the Atomic Safety and Licensing Board Panel's hearing room, located at the Nuclear Regulatory Commission's headquarters at 11555 Rockville Pike, Rockville, Maryland 20852. The designated representatives of C-10, NextEra, and the NRC Staff (collectively "participants") will participate remotely. Members of the public may observe oral argument from the hearing room, but listen-only telephone access will also be made available.

Instructions

On or before Tuesday, June 27, 2017, each participant shall provide the names of its representatives by email to the Board and the service list. Only designated representatives will be permitted to present oral argument. Each counsel or other representative for each participant in this proceeding who has not already done so must file and serve a notice of appearance on or before Tuesday, June 27, 2017, containing all of the information required by 10 CFR 2.314(b). While each participant should designate one primary spokesperson for the argument, limited response will be permitted from

other representatives with a notice of appearance on file to the extent necessary to answer the Board's questions. The Board's law clerk, Julie Reynolds-Engel, will contact the participants' designated representatives by email to provide the web address and telephone number required to participate in oral argument.

On Tuesday, June 27, 2017, beginning at 11:00 a.m. EDT, the Board's IT Specialist will conduct a 15- to 30-minute technology test of the online video conferencing system with the participants. Each participant will need (1) a telephone line, (2) a computer or tablet with an embedded or attached web camera, (3) an internet connection with at least 1 Mbps connection speed, and (4) a compatible web browser or iOS or Android application.¹ The Board's law clerk will contact the participants by email to provide the web address² and telephone number required to participate in the technology test by Thursday, June 22.

The primary purpose of this oral argument is for the Board to ask questions and receive answers concerning standing and contention admissibility issues presented by the pleadings. C-10 shall have 30 minutes to present its arguments on all issues, and the NRC Staff and NextEra shall each have 20 minutes. C-10 may reserve up to 5 minutes of its allotted time for rebuttal. No other rebuttal will be permitted.

In general, the participants should not repeat arguments already presented in their written filings, but should focus on responding to the Board's questions. The argument is not an evidentiary hearing, and the participants therefore should not attempt to introduce evidence during the argument. The participants should advise the Board and the other participants no later than Tuesday, June 27, 2017, if they plan to refer to any type of visual aid during the argument. No material that is not already cited in the record before the Board should be used as a visual aid.

Although the designated representatives will participate remotely, the Board encourages all participants to conduct themselves as if present in-person and to participate from an office setting.

¹ The participants should review the Citrix *GoToMeeting* frequently asked questions Web page (<http://www.gotomeeting.com/meeting/online-meeting-support>) for specific system requirements. For the purpose of this oral argument, there is no cost to the participants for using *GoToMeeting*.

² A participant's computer or tablet may require installation of a free plugin or free software from Citrix. Accessing the provided web address prior to the technology test will prompt a plugin or software download, if required.

Public Attendance

The public is welcome to attend the argument at the Atomic Safety and Licensing Board Panel's hearing room. However, only the designated representatives will be permitted to participate in the argument. Neither signs nor any manner of demonstration will be permitted in the hearing room. Those people wishing to attend the oral argument in person should contact the Board's law clerk, Julie Reynolds-Engel, at 301-415-5680 or julie.reynolds-engel@nrc.gov no later than Tuesday, June 27, 2017, to provide their names for security purposes. All members of the public participating in person must present a valid photo ID and should arrive at least twenty minutes early so as to allow sufficient time to pass through security screening. Cell phones are not permitted in the hearing room.

Listen-Only Telephone Access

The Board's law clerk will contact the participants by email to provide the telephone number and pass code for listen-only access to oral argument. Members of the public who wish to listen to the conference may also contact the Board's law clerk, Julie Reynolds-Engel, at 301-415-5680 or julie.reynolds-engel@nrc.gov, for the necessary listen-only telephone access information by Tuesday, June 27, 2017.

Transcript Availability

After June 29, 2017, a transcript of the oral argument will be available for public inspection electronically on the NRC's Electronic Hearing Docket (EHD). EHD is accessible from the NRC Web site at <https://adams.nrc.gov/ehd>. For additional information regarding EHD, please see <http://www.nrc.gov/about-nrc/regulatory/adjudicatory.html#ehd>. Persons who do not have access to the internet or who encounter problems in accessing the documents located on the NRC's Web site may contact the NRC Public Document Room reference staff by email to pdr@nrc.gov or by telephone at (800) 397-4209 or (301) 415-4737. Reference staff are available Monday through Friday between 8:00 a.m. and 4:00 p.m. ET, except federal holidays. For additional information regarding the NRC Public Document Room please see <http://www.nrc.gov/reading-rm/pdr.html>.

It is so ordered.

For the Atomic Safety and Licensing Board, Rockville, Maryland.

Dated: June 5, 2017.

Ronald M. Spritzer,
Chairman, Administrative Judge.

[FR Doc. 2017-12357 Filed 6-15-17; 8:45 am]

BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80903; File No. SR-NYSEArca-2017-66]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Exchange's Authority To Grant Exemptions From the OATS Requirements

June 12, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that, on June 2, 2017, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Arca Equities Rule 7470 (Exemption to the Order Recording and Data Transmission Requirements) to extend until November 15, 2019 the ability to exempt certain members from the recording and order data transmission requirements of NYSE Arca Equities Rules 7440 and 7450, respectively, for manual orders. 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.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The NYSE Arca Equities Rule 7400 Series consists of NYSE Arca Equities Rules 7410 through 7470 and sets forth the recording and reporting requirements of the Order Audit Trail System ("OATS") Rules. The OATS Rules require all Exchange permit holders and associated persons to record in electronic form and report to the Financial Industry Regulatory Authority, Inc. ("FINRA"), on a daily basis, certain information with respect to orders originated, received, transmitted, modified, canceled, or executed by permit holders in all NMS stocks, as that term is defined in Rule 600(b)(47) of Regulation NMS,³ traded on the Exchange. NYSE Arca Equities Rule 7470 provides the Exchange with the authority to exempt certain members from the recording and reporting requirements and from the recording and order data transmission requirements of NYSE Arca Equities Rules 7440 and 7450, respectively, for manual orders, if such exemption is consistent with the protection of investors and the public interest, and the ETP Holder meets the criteria set forth in paragraph (a) of the Rule.⁴

NYSE Arca Equities Rule 7470 contains a sunset provision, which was July 10, 2015. In June 2015, FINRA filed a proposed rule change to extend the sunset provision until July 10, 2019.⁵ The Exchange proposes to amend NYSE Arca Equities Rule 7470 to extend the provision until November 15, 2019. The proposed change would correct an oversight in not filing when the sunset provision expired in 2015.

The Exchange believes it would be appropriate to extend the sunset provision in NYSE Arca Equities Rule 7470 to November 15, 2019 rather than the July 10, 2019 date in the FINRA Rule. At the time FINRA filed its proposed rule change, the National

³ 17 CFR 242.600(b)(47).

⁴ The criteria are as follows: (1) The ETP Holder and current control affiliates and associated persons have not been subject within the last five years to any final disciplinary action, and within the last ten years to any disciplinary action involving fraud; (2) the ETP Holder has annual revenues of less than \$2 million; (3) the ETP Holder does not conduct any market making activities in NMS stocks; (4) the ETP Holder does not execute principal transactions with its customers (with limited exception for principal transactions executed pursuant to error corrections); and (5) the ETP Holder does not conduct clearing or carrying activities for other firms.

⁵ See Securities Exchange Act Release No. 75160 (June 11, 2015), 80 FR 34727 (June 17, 2015) (SR-FINRA-2015-016).

Market System Plan Governing the Consolidated Audit Trail (the “CAT NMS Plan”)⁶ had not been approved by the Commission. The CAT NMS Plan was approved by the Commission, as modified, on November 15, 2016.⁷ On March 21, 2017, the Commission approved the NYSE Arca Equities Rule 6.6800 Series to implement the provisions of the CAT NMS Plan applicable to ETP Holders.⁸ NYSE Arca Equities Rule 6.6895(c)(2) requires each Industry Member that is a Small Industry Member to record and report the Industry Member Data to the Central Repository by November 15, 2019.

The Exchange believes that extending the sunset provision in NYSE Arca Equities Rule 7470 to the same date that all Small Industry Members must report to the CAT is appropriate and would permit such firms relying on the exemption to continue to do so provided they meet the criteria to qualify until that time. The Exchange is not proposing any substantive changes to the criteria necessary for firms to qualify for an exemption and notes that all of those member organizations currently reporting to OATS or relying on an exemption from OATS reporting will be reporting to the CAT by November 15, 2019.⁹

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹⁰ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹¹ 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, and to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

⁶ Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth herein or in the CAT NMS Plan.

⁷ Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696 (November 23, 2016) (Order Approving the National Market System Plan Governing the Consolidated Audit Trail).

⁸ See Securities Exchange Act Release No. 80256 (March 15, 2017), 82 FR 14526 (March 21, 2017) (SR-NYSEArca-2017-03; SR-NYSEArca-2017-04) (Order Approving Proposed Rule Changes to Adopt Consolidated Audit Trail Compliance Rules).

⁹ Rule 6.6895(c)(1) requires each Industry Member (other than a Small Industry Member) to record and report the Industry Member Data to the Central Repository by November 15, 2018.

¹⁰ 15 U.S.C. 78f(b).

¹¹ 15 U.S.C. 78f(b)(5).

In particular, the Exchange believes that amending NYSE Arca Equities Rule 7470 to extend until November 15, 2019 the ability to exempt certain members from the recording and order data transmission requirements of NYSE Arca Equities Rules 7440 and 7450, respectively, for manual orders, is consistent with Section 6(b)(5) of the Act¹² because it would enable the Exchange to exempt manual orders received by certain small firms from the OATS Rules and avoid imposing potentially unnecessary expense or hardship on those firms that qualify for the exemption as they transition to reporting order information to the CAT Central Repository. As noted, the proposed sunset provision is the same date that all Small Industry Members must report to the CAT. Further, the Exchange is not proposing any substantive changes to the criteria necessary for firms to qualify for an exemption, which will continue to ensure that only those firms with limited revenue, no recent final disciplinary actions, and limited business models will remain eligible for the exemption. The Exchange accordingly believes that the proposed rule change is consistent with the protection of investors and the public interest.

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, as noted above, would enable the Exchange to exempt manual orders received by certain small firms from the OATS reporting requirements through November 15, 2019, the same date that all Small Industry Members must report to the CAT, and thereby avoid imposing potentially unnecessary expense or hardship on those firms that qualify for the exemption as they transition to reporting order information to the CAT Central Repository.

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.

¹² 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act¹³ and Rule 19b-4(f)(6) thereunder.¹⁴ Because the 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.¹⁵

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change will become operative immediately upon filing. In support of its request, the Exchange stated that waiver of the operative delay would continue to enable the Exchange to grant small firms exemptions from the OATS requirements as those firms are preparing to report information to the CAT Central Repository, thereby avoiding potentially unnecessary expense or hardship on firms that qualify for the exemption.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Absent such action, a small firm that otherwise would qualify for an exemption would have to comply with the Exchange requirements to record and report manual orders to OATS because the Exchange would not have the authority to grant an exemption during the 30-day pre-operative period. The Commission agrees with the Exchange that waiving the 30-day operative delay would enable the Exchange, in appropriate cases, to prevent unnecessary expense being imposed on small firms. Therefore, the Commission hereby waives the operative delay and designates the

¹³ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁴ 17 CFR 240.19b-4(f)(6).

¹⁵ In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has complied with this requirement.

proposed rule change operative upon filing.¹⁶

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) of the Act¹⁷ to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NYSEArca-2017-66 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-2017-66. 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-2017-66 and should be submitted on or before July 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-12455 Filed 6-15-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32678; 812-14711]

CION Ares Diversified Credit Fund, et al.; Notice of Application

June 13, 2017.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (the "Act") for an exemption from sections 18(a)(2), 18(c), and 18(i) of the Act, and for an order pursuant to section 17(d) of the Act and rule 17d-1 under the Act.

Summary of Application: Applicants request an order to permit certain registered closed-end management investment companies to issue multiple classes of shares of beneficial interest ("Shares") and to impose asset-based service and/or distribution fees, and contingent deferred sales loads ("CDSCs").

Applicants: CION Ares Diversified Credit Fund (the "Fund") and CION Ares Management, LLC (the "Adviser").

Filing Dates: The application was filed on October 24, 2016, and amended on February 13, 2017, March 13, 2017, May 11, 2017, and June 6, 2017.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the

Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on July 8, 2017, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090; Applicants, 3 Park Avenue, 36th Floor, New York, NY 10016.

FOR FURTHER INFORMATION CONTACT: Jessica Shin, Attorney-Adviser, at (202) 551-5921 or Robert H. Shapiro, Branch Chief, at (202) 551-6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090.

Applicants' Representations

1. The Fund is a Delaware statutory trust that is registered under the Act as a diversified, closed-end management investment company. The Fund's objective is to provide superior risk-adjusted returns across various market cycles by investing in a diversified portfolio of liquid and illiquid asset classes.

2. The Adviser, a Delaware limited liability company, is registered as an investment adviser under the Investment Advisers Act of 1940. The Adviser serves as investment adviser to the Fund.

3. The applicants seek an order to permit the Fund to issue multiple classes of Shares, each having its own fee and expense structure, and to impose asset-based distribution and/or service fees, and CDSCs.

4. Applicants request that the order also apply to any other continuously offered registered closed-end management investment company existing now or in the future for which the Adviser or any entity controlling, controlled by, or under common control

¹⁶ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁷ 15 U.S.C. 78s(b)(2)(B).

¹⁸ 17 CFR 200.30-3(a)(12).

with the Adviser, or its successors,¹ acts as investment adviser, and which provides periodic liquidity with respect to its Shares through tender offers conducted in compliance with either rule 23c-3 under the Act or rule 13e-4 under the Securities Exchange Act of 1934 (the “1934 Act”).²

5. The Fund currently issues a single class of Shares (the “Initial Class Shares”). Shares are currently being offered on a continuous basis pursuant to a registration statement under the Securities Act of 1933 at their net asset value per share plus the applicable sales load. The Fund, as a closed-end investment company, does not continuously redeem Shares as does an open-end management investment company. Shares of the Fund are not listed on any securities exchange and do not trade on an over-the-counter system such as NASDAQ. Applicants do not expect that any secondary market will ever develop for the Shares.

6. If the requested relief is granted, the Fund intends to offer multiple classes of Shares, such as the Initial Class Shares and a new Share class (the “New Class Shares”), or any other classes. Because of the different distribution fees, shareholder services fees, and any other class expenses that may be attributable to the different classes, the net income attributable to, and any dividends payable on, each class of Shares may differ from each other from time to time.

7. Applicants state that, from time to time, the Board of the Fund may create additional classes of Shares, or may vary the characteristics described of the Initial Class and New Class Shares, including without limitation, in the following respects: (1) The amount of fees permitted by different distribution plans or different service fee arrangements; (2) voting rights with respect to a distribution plan of a class; (3) different class designations; (4) the impact of any class expenses directly attributable to a particular class of Shares allocated on a class basis as described in the Application; (5) differences in any dividends and net asset values per Share resulting from differences in fees under a distribution plan or in class expenses; (6) any sales load structure; and (7) any conversion features, as permitted under the Act.

¹ A successor in interest is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

² The Fund and any other investment company relying on the requested relief will do so in a manner consistent with the terms and conditions of the application. Applicants represent that any person presently intending to rely on the requested relief is listed as an applicant.

8. The Fund will not impose an “early withdrawal charge” or “repurchase fee” on investors who purchase and tender their Shares.

9. Applicants state that, in order to provide some liquidity to shareholders, the Fund is structured as an “interval fund” and makes quarterly offers to repurchase between 5% and 25% of its outstanding Shares at net asset value, pursuant to rule 23c-3 under the Act, unless such offer is suspended or postponed in accordance with regulatory requirements. Any other investment company that intends to rely on the requested relief will provide periodic liquidity to shareholders in accordance with either rule 23c-3 under the Act or rule 13e-4 under the 1934 Act.

10. Applicants represent that any asset-based service and/or distribution fees will comply with the provisions of Rule 2341 of the Rules of the Financial Industry Regulatory Authority (“FINRA Rule 2341”) as if that rule applied to the Fund.³ Applicants also represent that the Fund will disclose in its prospectus the fees, expenses and other characteristics of each class of Shares offered for sale by the prospectus, as is required for open-end, multiple class funds under Form N-1A. As is required for open-end funds, the Fund will disclose its expenses in shareholder reports, and describe any arrangements that result in breakpoints in sales loads in its prospectus.⁴ In addition, applicants will comply with applicable enhanced fee disclosure requirements for fund of funds, including registered funds of hedge funds.⁵

11. The Fund and the Distributor will also comply with any requirements that may be adopted by the Commission or FINRA regarding disclosure at the point of sale and in transaction confirmations about the costs and conflicts of interest arising out of the distribution of open-end investment company shares, and regarding prospectus disclosure of sales

³ Any references to FINRA Rule 2341 include any successor or replacement rule that may be adopted by the Financial Industry Regulatory Authority (“FINRA”).

⁴ See Shareholder Reports and Quarterly Portfolio Disclosure of Registered Management Investment Companies, Investment Company Act Release No. 26372 (Feb. 27, 2004) (adopting release) (requiring open-end investment companies to disclose fund expenses in shareholder reports); and Disclosure of Breakpoint Discounts by Mutual Funds, Investment Company Act Release No. 26464 (June 7, 2004) (adopting release) (requiring open-end investment companies to provide prospectus disclosure of certain sales load information).

⁵ Fund of Funds Investments, Investment Company Act Rel. Nos. 26198 (Oct. 1, 2003) (proposing release) and 27399 (Jun. 20, 2006) (adopting release). See also Rules 12d1-1, *et seq.* of the Act.

loads and revenue sharing arrangements as if those requirements applied to the Fund and the Distributor. The Fund or the Distributor will contractually require that any other distributor of the Fund’s Shares comply with such requirements in connection with the distribution of Shares of the Fund.

12. The Fund will allocate all expenses incurred by it among the various classes of Shares based on the net assets of the Fund attributable to each class, except that the net asset value and expenses of each class will reflect distribution fees, service fees, and any other incremental expenses of that class. Expenses of the Fund allocated to a particular class of Shares will be borne on a pro rata basis by each outstanding Share of that class.

Applicants state that the Fund will comply with the provisions of rule 18f-3 under the Act as if it were an open-end investment company.

13. The Fund does not intend to offer any exchange privilege or conversion feature, but any such privilege or feature introduced in the future will comply with rule 11a-1, rule 11a-3, and rule 18f-3 as if the Fund were an open-end investment company.

Applicants’ Legal Analysis

Multiple Classes of Shares

1. Section 18(a)(2)(A) and (B) makes it unlawful for a registered closed-end investment company to issue a senior security that is a stock unless (a) immediately after such issuance it will have an asset coverage of at least 200% and (b) provision is made to prohibit the declaration of any distribution, upon its common stock, or the purchase of any such common stock, unless in every such case such senior security has at the time of the declaration of any such distribution, or at the time of any such purchase, an asset coverage of at least 200% after deducting the amount of such distribution or purchase price, as the case may be. Applicants state that the creation of multiple classes of shares of the Funds may violate section 18(a)(2) because the Funds may not meet such requirements with respect to a class of shares that may be a senior security.

2. Section 18(c) of the Act provides, in relevant part, that a registered closed-end investment company may not issue or sell any senior security if, immediately thereafter, the company has outstanding more than one class of senior security. Applicants state that the creation of multiple classes of Shares of the Fund may be prohibited by section 18(c), as a class may have priority over another class as to payment of

dividends because shareholders of different classes would pay different fees and expenses.

3. Section 18(i) of the Act provides that each share of stock issued by a registered management investment company will be a voting stock and have equal voting rights with every other outstanding voting stock.

Applicants state that permitting multiple classes of Shares of the Fund may violate section 18(i) of the Act because each class would be entitled to exclusive voting rights with respect to matters solely related to that class.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provision of the Act, or from any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an exemption under section 6(c) from sections 18(a)(2), 18(c) and 18(i) to permit the Fund to issue multiple classes of Shares.

5. Applicants submit that the proposed allocation of expenses relating to distribution and voting rights among multiple classes is equitable and will not discriminate against any group or class of shareholders. Applicants submit that the proposed arrangements would permit the Fund to facilitate the distribution of its Shares and provide investors with a broader choice of shareholder options. Applicants assert that the proposed closed-end investment company multiple class structure does not raise the concerns underlying section 18 of the Act to any greater degree than open-end investment companies' multiple class structures that are permitted by rule 18f-3 under the Act. Applicants state that the Fund will comply with the provisions of rule 18f-3 as if it were an open-end investment company.

Asset-Based Service and/or Distribution Fees

1. Section 17(d) of the Act and rule 17d-1 under the Act prohibit an affiliated person of a registered investment company or an affiliated person of such person, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates unless the Commission issues an order permitting the transaction. In reviewing applications submitted under section

17(d) and rule 17d-1, the Commission considers whether the participation of the investment company in a joint enterprise or joint arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which the participation is on a basis different from or less advantageous than that of other participants.

2. Rule 17d-3 under the Act provides an exemption from section 17(d) and rule 17d-1 to permit open-end investment companies to enter into distribution arrangements pursuant to rule 12b-1 under the Act. Applicants request an order under section 17(d) and rule 17d-1 under the Act to permit the Fund to impose asset-based service and/or distribution fees. Applicants have agreed to comply with rules 12b-1 and 17d-3 as if those rules applied to closed-end investment companies, which they believe will resolve any concerns that might arise in connection with a Fund financing the distribution of its shares through asset-based service and/or distribution fees.

3. For the reasons stated above, applicants submit that the exemptions requested under section 6(c) are necessary and appropriate in the public interest and are consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants further submit that the Funds' imposition of asset-based service and/or distribution fees is consistent with the provisions, policies and purposes of the Act and does not involve participation on a basis different from or less advantageous than that of other participants.

Applicants' Condition

The Fund agrees that any order granting the requested relief will be subject to the following condition:

Applicants will comply with the provisions of rules 6c-10, 12b-1, 17d-3, 18f-3, 22d-1, and where applicable, 11a-3 under the Act, as amended from time to time or replaced, as if those rules applied to closed-end management investment companies, and will comply with FINRA Rule 2341, as amended from time to time, as if that rule applied to all closed-end management investment companies.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-12548 Filed 6-15-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80902; File No. SR-NYSEMKT-2017-35]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Exchange's Authority To Grant Exemptions From the OATS Requirements

June 12, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on June 2, 2017, NYSE MKT LLC (the "Exchange" or "NYSE MKT") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7470—Equities (Exemption to the Order Recording and Data Transmission Requirements) to extend until November 15, 2019 the ability to exempt certain members from the recording and order data transmission requirements of Rules 7440—Equities and 7450—Equities, respectively, for manual orders. 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.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange's Rule 7400 Series consists of Rules 7410—Equities through 7470—Equities and sets forth the recording and reporting requirements of the Order Audit Trail System ("OATS") Rules. The OATS Rules require all Exchange member organizations and associated persons to record in electronic form and report to the Financial Industry Regulatory Authority, Inc. ("FINRA"), on a daily basis, certain information with respect to orders originated, received, transmitted, modified, canceled, or executed by members in all NMS stocks, as that term is defined in Rule 600(b)(47) of Regulation NMS,³ traded on the Exchange. This information is used by FINRA staff to conduct surveillance and investigations of member firms for violations of FINRA rules and federal securities laws. Rule 7470—Equities provide the Exchange with the authority to exempt certain members from the recording and reporting requirements and from the recording and order data transmission requirements of Rules 7440—Equities and 7450—Equities, respectively, for manual orders, if such exemption is consistent with the protection of investors and the public interest, and the member organization meets the criteria set forth in paragraph (a) of the Rule.⁴

Rule 7470—Equities contains a sunset provision, which was July 10, 2015. In June 2015, FINRA filed a proposed rule change to extend the sunset provision until July 10, 2019.⁵ The Exchange proposes to amend Rule 7470 to extend the provision until November 15, 2019. The proposed change would correct an oversight in not filing when the sunset provision [sic] in 2015.

³ 17 CFR 242.600(b)(47).

⁴ The criteria are as follows: (1) The member organization and current control affiliates and associated persons have not been subject within the last five years to any final disciplinary action, and within the last ten years to any disciplinary action involving fraud; (2) the member organization has annual revenues of less than \$2 million; (3) the member organization does not conduct any market making activities in NMS stocks; (4) the member organization does not execute principal transactions with its customers (with limited exception for principal transactions executed pursuant to error corrections); and (5) the member organization does not conduct clearing or carrying activities for other firms.

⁵ See Securities Exchange Act Release No. 75160 (June 11, 2015), 80 FR 34727 (June 17, 2015) (SR-FINRA-2015-016).

The Exchange believes it would be appropriate to extend the sunset provision in Rule 7470—Equities to November 15, 2019 rather than the July 10, 2019 date in the FINRA Rule. At the time FINRA filed its proposed rule change, the National Market System Plan Governing the Consolidated Audit Trail (the "CAT NMS Plan")⁶ had not been approved by the Commission. The CAT NMS Plan was approved by the Commission, as modified, on November 15, 2016.⁷ On March 21, 2017, the Commission approved the Exchange's new Rule 6800 Series to implement provisions of the CAT NMS Plan that are applicable to Exchange member organizations.⁸ Rule 6895(c)(2) requires each Industry Member that is a Small Industry Member to record and report the Industry Member Data to the Central Repository by November 15, 2019.

The Exchange believes that extending the sunset provision in Rule 7470 to the same date that all Small Industry Members must report to the CAT is appropriate and would permit such firms relying on the exemption to continue to do so provided they meet the criteria to qualify until that time. The Exchange is not proposing any substantive changes to the criteria necessary for firms to qualify for an exemption and notes that all of those member organizations currently reporting to OATS or relying on an exemption from OATS reporting will be reporting to the CAT by November 15, 2019.⁹

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹⁰ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹¹ 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,

⁶ Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth herein or in the CAT NMS Plan.

⁷ Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696 (November 23, 2016) (Order Approving the National Market System Plan Governing the Consolidated Audit Trail).

⁸ See Securities Exchange Act Release No. 80256 (March 15, 2017), 82 FR 14526 (March 21, 2017) (SR-NYSEMKT-2017-02) (Order Approving Proposed Rule Changes to Adopt Consolidated Audit Trail Compliance Rules).

⁹ Rule 6895(c)(1) requires each Industry Member (other than a Small Industry Member) to record and report the Industry Member Data to the Central Repository by November 15, 2018.

¹⁰ 15 U.S.C. 78f(b).

¹¹ 15 U.S.C. 78f(b)(5).

and to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

In particular, the Exchange believes that amending Rule 7470—Equities to extend until November 15, 2019 the ability to exempt certain members from the recording and order data transmission requirements of Rules 7440—Equities and 7450—Equities, respectively, for manual orders, is consistent with Section 6(b)(5) of the Act¹² because it would enable the Exchange to exempt manual orders received by certain small firms from the OATS Rules and avoid imposing potentially unnecessary expense or hardship on those firms that qualify for the exemption as they transition to reporting order information to the CAT Central Repository. As noted, the proposed sunset provision is the same date that all Small Industry Members must report to the CAT. Further, the Exchange is not proposing any substantive changes to the criteria necessary for firms to qualify for an exemption, which will continue to ensure that only those firms with limited revenue, no recent final disciplinary actions, and limited business models will remain eligible for the exemption. The Exchange accordingly believes that the proposed rule change is consistent with the protection of investors and the public interest.

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, as noted above, would enable the Exchange to exempt manual orders received by certain small firms from the OATS reporting requirements through November 15, 2019, the same date that all Small Industry Members must report to the CAT, and thereby avoid imposing potentially unnecessary expense or hardship on those firms that qualify for the exemption as they transition to reporting order information to the CAT Central Repository.

¹² 15 U.S.C. 78f(b)(5).

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

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act¹³ and Rule 19b-4(f)(6) thereunder.¹⁴ Because the 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.¹⁵

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change will become operative immediately upon filing. In support of its request, the Exchange stated that waiver of the operative delay would continue to enable the Exchange to grant small firms exemptions from the OATS requirements as those firms are preparing to report information to the CAT Central Repository, thereby avoiding potentially unnecessary expense or hardship on firms that qualify for the exemption.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Absent such action, a small firm that otherwise would qualify for an exemption would have to comply with the Exchange requirements to record and report manual orders to OATS because the Exchange would not have the authority to grant an exemption during the 30-day pre-operative period. The Commission agrees with the Exchange that waiving the 30-day operative delay would enable

the Exchange, in appropriate cases, to prevent unnecessary expense being imposed on small firms. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.¹⁶

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) of the Act¹⁷ to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NYSEMKT-2017-35 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-NYSEMKT-2017-35. 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-NYSEMKT-2017-35 and should be submitted on or before July 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-12454 Filed 6-15-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; 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 15c2-11; SEC File No. 270-196, OMB Control No. 3235-0202

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") has submitted to the Office of Management and Budget ("OMB") a request for approval of extension of the previously approved collection of information provided for in Rule 15c2-11, (17 CFR 240.15c2-11), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) ("Exchange Act").

Rule 15c2-11 under the Exchange Act regulates the initiation or resumption of quotations in a quotation medium by a broker-dealer for over-the-counter ("OTC") securities. The Rule was designed primarily to prevent certain manipulative and fraudulent trading schemes that had arisen in connection with the distribution and trading of unregistered securities issued by shell

¹³ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁴ 17 CFR 240.19b-4(f)(6).

¹⁵ In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has complied with this requirement.

¹⁶ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁷ 15 U.S.C. 78s(b)(2)(B).

¹⁸ 17 CFR 200.30-3(a)(12).

companies or other companies having outstanding but infrequently traded securities. Subject to certain exceptions, the Rule prohibits broker-dealers from publishing a quotation for a security, or submitting a quotation for publication, in a quotation medium unless they have reviewed specified information concerning the security and the issuer.

Based on information provided by Financial Industry Regulatory Authority, Inc. (“FINRA”), in the 2016 calendar year, FINRA received approximately 461 applications from broker-dealers to initiate or resume publication of quotes of covered OTC securities on the OTC Bulletin Board and/or OTC Link or other quotation mediums. We estimate that (i) 195 of the covered OTC securities were issued by reporting issuers, while the other 266 were issued by non-reporting issuers, and (ii) it will take a broker-dealer about 4 hours to review, record and retain the information pertaining to a reporting issuer, and about 8 hours to review, record and retain the information pertaining to a non-reporting issuer.

We therefore estimate that broker-dealers who initiate or resume publication of quotations for covered OTC securities of reporting issuers will require 780 hours (195 × 4) to review, record and retain the information required by the Rule. We estimate that broker-dealers who initiate or resume publication of quotations for covered OTC securities of non-reporting issuers will require 2,128 hours (266 × 8) to review, record and retain the information required by the Rule. Thus, we estimate the total annual burden hours for broker-dealers to initiate or resume publication of quotations of covered OTC securities to be 2908 hours (780 + 2,128). The Commission believes that the compliance costs for these 2,908 hours would be borne by internal staff working at a rate of \$57 per hour.¹

Subject to certain exceptions, the Rule prohibits broker-dealers from publishing a quotation for a security, or submitting a quotation for publication, in a quotation medium unless they have reviewed specified information concerning the security and the issuer. The broker-dealer must also make the information reasonably available upon request to any person expressing an interest in a proposed transaction in the security with such broker or dealer. The collection of information that is submitted to FINRA for review and

approval is currently not available to the public from FINRA.

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.

The public may view background documentation for this information collection at the following Web site, *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta.Ahmed@omb.eop.gov*; and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, or by sending an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: June 13, 2017.

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-12536 Filed 6-15-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80906; File No. SR-NYSE-2017-28]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Exchange’s Authority To Grant Exemptions From the OATS Requirements

June 12, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”)¹ and Rule 19b-4 thereunder,² notice is hereby given that on June 2, 2017, New York Stock Exchange LLC (“NYSE” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7470 (Exemption to the Order

Recording and Data Transmission Requirements) to extend until November 15, 2019 the ability to exempt certain members from the recording and order data transmission requirements of Rules 7440 and 7450, respectively, for manual orders. 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’s Rule 7400 Series consists of NYSE Rules 7410 through 7470 and sets forth the recording and reporting requirements of the Order Audit Trail System (“OATS”) Rules. The OATS Rules require all Exchange member organizations and associated persons to record in electronic form and report to the Financial Industry Regulatory Authority, Inc. (“FINRA”), on a daily basis, certain information with respect to orders originated, received, transmitted, modified, canceled, or executed by members in all NMS stocks, as that term is defined in Rule 600(b)(47) of Regulation NMS,³ traded on the Exchange. This information is used by FINRA staff to conduct surveillance and investigations of member firms for violations of FINRA rules and federal securities laws. Rule 7470 provides the Exchange with the authority to exempt certain members from the recording and reporting requirements and from the recording and order data transmission requirements of Rules 7440 and 7450, respectively, for manual orders if such exemption is consistent with the protection of investors and the public interest, and the member organization

¹ \$57 per hour figure for a General Clerk is from SIFMA’s Office Salaries in the Securities Industry 2013, modified by Commission staff to account for an 1800-hourwork-year and inflation, and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 17 CFR 242.600(b)(47).

meets the criteria set forth in paragraph (a) of the Rule.⁴

Rule 7470 contains a sunset provision, which was July 10, 2015. In June 2015, FINRA filed a proposed rule change to extend the sunset provision until July 10, 2019.⁵ The Exchange proposes to amend Rule 7470 to extend the provision until November 15, 2019. The proposed change would correct an oversight in not filing when the sunset provision expired in 2015.

The Exchange believes it would be appropriate to extend the sunset provision in Rule 7470 to November 15, 2019 rather than the July 10, 2019 date in the FINRA Rule. At the time FINRA filed its proposed rule change, the National Market System Plan Governing the Consolidated Audit Trail (the "CAT NMS Plan")⁶ had not been approved by the Commission. The CAT NMS Plan was approved by the Commission, as modified, on November 15, 2016.⁷ On March 21, 2017, the Commission approved the Exchange's new Rule 6800 Series to implement provisions of the CAT NMS Plan that are applicable to Exchange member organizations.⁸ Rule 6895(c)(2) requires each Industry Member that is a Small Industry Member to record and report the Industry Member Data to the Central Repository by November 15, 2019.

The Exchange believes that extending the sunset provision in Rule 7470 to the same date that all Small Industry Members must report to the CAT is appropriate and would permit such firms relying on the exemption to continue to do so provided they meet the criteria to qualify until that time.

⁴ The criteria are as follows: (1) The member organization and current control affiliates and associated persons have not been subject within the last five years to any final disciplinary action, and within the last ten years to any disciplinary action involving fraud; (2) the member organization has annual revenues of less than \$2 million; (3) the member organization does not conduct any market making activities in NMS stocks; (4) the member organization does not execute principal transactions with its customers (with limited exception for principal transactions executed pursuant to error corrections); and (5) the member organization does not conduct clearing or carrying activities for other firms.

⁵ See Securities Exchange Act Release No. 75160 (June 11, 2015), 80 FR 34727 (June 17, 2015) (SR-FINRA-2015-016).

⁶ Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth herein or in the CAT NMS Plan.

⁷ Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696 (November 23, 2016) (Order Approving the National Market System Plan Governing the Consolidated Audit Trail).

⁸ See Securities Exchange Act Release No. 80256 (March 15, 2017), 82 FR 14526 (March 21, 2017) (SR-NYSE-2017-01) (Order Approving Proposed Rule Changes to Adopt Consolidated Audit Trail Compliance Rules).

The Exchange is not proposing any substantive changes to the criteria necessary for firms to qualify for an exemption and notes that all of those member organizations currently reporting to OATS or relying on an exemption from OATS reporting will be reporting to the CAT by November 15, 2019.⁹

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹⁰ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹¹ 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, and to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

In particular, the Exchange believes amending Rule 7470 to extend until November 15, 2019 the ability to exempt certain members from the recording and order data transmission requirements of Rules 7440 and 7450, respectively, for manual orders, is consistent with Section 6(b)(5) of the Act¹² because it would enable the Exchange to exempt manual orders received by certain small firms from the OATS Rules and avoid imposing potentially unnecessary expense or hardship on those firms that qualify for the exemption as they transition to reporting order information to the CAT Central Repository. As noted, the proposed sunset provision is the same date that all Small Industry Members must report to the CAT. Further, the Exchange is not proposing any substantive changes to the criteria necessary for firms to qualify for an exemption, which will continue to ensure that only those firms with limited revenue, no recent final disciplinary actions, and limited business models will remain eligible for the exemption. The Exchange accordingly believes that the proposed rule change is consistent with the protection of investors and the public interest.

⁹ Rule 6895(c)(1) requires each Industry Member (other than a Small Industry Member) to record and report the Industry Member Data to the Central Repository by November 15, 2018.

¹⁰ 15 U.S.C. 78f(b).

¹¹ 15 U.S.C. 78f(b)(5).

¹² 15 U.S.C. 78f(b)(5).

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, as noted above, would enable the Exchange to exempt manual orders received by certain small firms from the OATS reporting requirements through November 15, 2019, the same date that all Small Industry Members must report to the CAT, and thereby avoid imposing potentially unnecessary expense or hardship on those firms that qualify for the exemption as they transition to reporting order information to the CAT Central Repository.

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

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act¹³ and Rule 19b-4(f)(6) thereunder.¹⁴ Because the 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.¹⁵

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change will become operative immediately upon filing. In support of its request, the Exchange stated that waiver of the operative delay would

¹³ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁴ 17 CFR 240.19b-4(f)(6).

¹⁵ In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has complied with this requirement.

continue to enable the Exchange to grant small firms exemptions from the OATS requirements as those firms are preparing to report information to the CAT Central Repository, thereby avoiding potentially unnecessary expense or hardship on firms that qualify for the exemption.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Absent such action, a small firm that otherwise would qualify for an exemption would have to comply with the Exchange requirements to record and report manual orders to OATS because the Exchange would not have the authority to grant an exemption during the 30-day pre-operative period. The Commission agrees with the Exchange that waiving the 30-day operative delay would enable the Exchange, in appropriate cases, to prevent unnecessary expense being imposed on small firms. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.¹⁶

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) of the Act¹⁷ to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NYSE-2017-28 on the subject line.

¹⁶ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁷ 15 U.S.C. 78s(b)(2)(B).

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-NYSE-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 Number SR-NYSE-2017-28 and should be submitted on or before July 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017-12457 Filed 6-15-17; 8:45 am]

BILLING CODE 8011-01-P

¹⁸ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80907; File No. SR-BatsEDGX-2017-28]

Self-Regulatory Organizations; Bats EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 21.5 of Bats EDGX Exchange, Inc. To Extend Through December 31, 2017, the Penny Pilot Program in Options Classes in Certain Issues

June 12, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on June 7, 2017, Bats EDGX Exchange, Inc. (the "Exchange" or "EDGX") 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 Exchange. The Exchange has designated this proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A) of the Act³ and Rule 19b-4(f)(6)(iii) thereunder,⁴ which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to extend through December 31, 2017, the Penny Pilot Program ("Penny Pilot") in options classes in certain issues ("Pilot Program") previously approved by the Commission.⁵

The text of the proposed rule change is available at the Exchange's Web site at www.batstrading.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(6)(iii).

⁵ The rules of EDGX Options, including rules applicable to EDGX Options' participation in the Penny Pilot, were approved on August 7, 2015. See Securities Exchange Act Release No. 75650 (August 7, 2015), 80 FR 48600 (August 13, 2015) (SR-EDGX-2015-18). EDGX Options commenced operations on November 2, 2015. The Penny Pilot was extended for EDGX Options through June 30, 2017. See Securities Exchange Act Release No. 79222 (November 2, 2016), 81 FR 78673 (November 8, 2016) (SR-BatsEDGX-2016-71)[sic].

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to extend the Penny Pilot, which was previously approved by the Commission, through December 31, 2017, and to provide revised dates for adding replacement issues to the Pilot Program. The Exchange proposes that any Pilot Program issues that have been delisted may be replaced on the second trading day following July 1, 2017. The replacement issues will be selected based on trading activity for the most recent six month period excluding the month immediately preceding the replacement (*i.e.*, beginning December 1, 2016, and ending May 31, 2017).

The Exchange represents that the Exchange has the necessary system capacity to continue to support operation of the Penny Pilot. The Exchange believes the benefits to public customers and other market participants who will be able to express their true prices to buy and sell options have been demonstrated to outweigh the increase in quote traffic.

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.⁶ In particular, the proposal is consistent with Section 6(b)(5) of the Act⁷ because it would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system. The Exchange believes that the Pilot

Program promotes just and equitable principles of trade by enabling public customers and other market participants to express their true prices to buy and sell options. Accordingly, the Exchange believes that the proposal is consistent with the Act because it will allow the Exchange to extend the Pilot Program prior to its expiration on June 30, 2017. The Exchange notes that this proposal does not propose any new policies or provisions that are unique or unproven, but instead relates to the continuation of an existing program that operates on a pilot basis.

(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. In this regard, the Exchange notes that the rule change is being proposed in order to continue the Pilot Program, which is a competitive response to analogous programs offered by other options exchanges. The Exchange believes this proposed rule change is necessary to permit fair competition among the options exchanges.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (A) Significantly affect the protection of investors or the public interest; (B) impose any significant burden on competition; and (C) by its terms, 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 Act⁸ and paragraph (f)(6) of Rule 19b-4 thereunder,⁹ the Exchange has designated this rule filing as non-controversial. The Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change at least five business days prior to the date of filing

of the proposed rule change, or such shorter time as designated by the Commission.

A proposed rule change filed under Rule 19b-4(f)(6)¹⁰ normally does not become operative prior to 30 days after the date of the filing.¹¹ However, pursuant to Rule 19b-4(f)(6)(iii),¹² the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested a waiver of 30-day operative delay to allow the Exchange to extend the Pilot Program prior to its expiration on June 30, 2017. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because doing so will allow the Pilot Program to continue without interruption in a manner that is consistent with the Commission's prior approval of the extension and expansion of the Pilot Program and will allow the Exchange and the Commission additional time to analyze the impact of the Pilot Program. Accordingly, the Commission designates the proposed rule change as operative upon filing with the Commission.¹³

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: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal 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-BatsEDGX-2017-28 on the subject line.

¹⁰ 17 CFR 240.19b-4(f)(6).

¹¹ 17 CFR 240.19b-4(f)(6).

¹² 17 CFR 240.19b-4(f)(6)(iii).

¹³ For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

⁸ 15 U.S.C. 78s(b)(3)(A).

⁹ 17 CFR 240.19b-4(f)(6).

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-BatsEDGX-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 such filing will also 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-BatsEDGX-2017-28 and should be submitted on or before July 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017-12458 Filed 6-15-17; 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:

¹⁴ 17 CFR 200.30-3(a)(12).

Rule 15c2-5, SEC File No. 270-195 ; OMB Control No. 3235-0198.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided for in Rule 15c2-5 (17 CFR 240.15c2-5) 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.

Rule 15c2-5 prohibits a broker-dealer from arranging or extending certain loans to persons in connection with the offer or sale of securities unless, before any element of the transaction is entered into, the broker-dealer: (1) Delivers to the person a written statement containing the exact nature and extent of the person's obligations under the loan arrangement; the risks and disadvantages of the loan arrangement; and all commissions, discounts, and other remuneration received and to be received in connection with the transaction by the broker-dealer or certain related persons (unless the person receives certain materials from the lender or broker-dealer which contain the required information); and (2) obtains from the person information on the person's financial situation and needs, reasonably determines that the transaction is suitable for the person, and retains on file and makes available to the person on request a written statement setting forth the broker-dealer's basis for determining that the transaction was suitable. The collection of information required by Rule 15c2-5 is necessary to execute the Commission's mandate under the Exchange Act to prevent fraudulent, manipulative, and deceptive acts and practices by broker-dealers.

The Commission estimates that there are approximately 50 respondents that require an aggregate total of 600 hours to comply with Rule 15c2-5.¹ Each of these approximately 50 registered broker-dealers makes an estimated six annual responses, for an aggregate total of 300 responses per year.² Each response takes approximately two hours to complete. Thus, the total compliance burden per year is 600 burden hours.³ The approximate internal compliance

¹ 50 respondents × 6 responses per year × 2 hours per response = 600 hours per year.

² 50 respondents × 6 responses per year = 300 responses per year.

³ 300 responses per year × 2 hours per response = 600 hours per year.

cost per hour is \$57.00 for clerical labor,⁴ resulting in a total internal compliance cost of \$34,200.⁵ These reflect internal labor costs; there are no external labor, capital, or start-up costs.

Written 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 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 12, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017-12492 Filed 6-15-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80909; File No. SR-MAIX-2017-28]

Self-Regulatory Organizations: Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by Miami International Securities Exchange, LLC To Implement an Equity Rights Program

June 12, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4

⁴ Cost per hour for a clerk is from SIFMA's Office Salaries in the Securities Industry 2013, modified by Commission staff to account for an 1800-hour work-year and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead.

⁵ 600 hours per year × \$57.00 per hour = \$34,200 per year.

¹ 15 U.S.C. 78s(b)(1).

thereunder,² notice is hereby given that on June 8, 2017, Miami International Securities Exchange, LLC (“MIAX Options” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to implement an equity rights program. The text of the proposed rule change is available on the Exchange’s Web site at <http://www.miaxoptions.com/rule-filings>, at MIAX’s principal office, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to implement an equity rights program (“Program”) pursuant to which units representing the right to acquire equity in the Exchange’s parent holding company, Miami International Holdings, Inc. (“MIH”) would be issued to a participating Member in exchange for payment of an initial purchase price or the prepayment of certain transaction fees and the achievement of certain liquidity volume thresholds on the Exchange over a 42-month period. The purpose of the Program is to promote the long-term interests of MIAX Options by providing incentives designed to encourage future MIH owners and MIAX Options market participants to contribute to the growth and success of MIAX Options, by being active liquidity

providers and takers to provide enhanced levels of trading volume to MIAX Options’ market, through an opportunity to increase their proprietary interests in MIAX Options’ enterprise value.

Members that participate in the Program will have two options to choose from: (i) An offering of G-Units; and/or (ii) an offering of H-Units.³

G-Units Option

Members that participate in the G-Unit option of the Program will be issued for each unit (i) 31,407 shares of MIH common stock and (ii) warrants to purchase 383,254 shares of common stock of MIH in exchange for such participant Member’s initial cash capital contribution of \$188,442, and with such warrants being exercisable upon the achievement by the participating Member of certain volume thresholds on the Exchange during a 42-month measurement period commencing July 3, 2017. A total of 5 G-Units will be offered. The total equity ownership of MIH common stock held by any one participant Member will be subject to a cap of 19.9%.⁴

The warrants will vest in eight (8) tranches: (i) One (1) tranche, upon initial investment; and (ii) seven (7) tranches during a measurement period of months 1–42 of the Program. In addition, the participant Members may earn or lose the right to exercise warrants on a pro-rata basis based upon meeting volume commitments during

³ The Program which provides equity-like consideration in exchange for market making or the provision of liquidity, order flow or volume is open to market participants generally. All MIAX Options Members may participate subject to their satisfaction of eligibility requirements. To be designated as a participant Member, an applicant must: (i) Be a Member in good standing of MIAX Options; (ii) qualify as an “accredited investor” as such term is defined in Regulation D of the Securities Act of 1933; and (iii) have executed all required documentation for Program participation. Members may elect to participate in either or both of the options. If either the G-Unit or the H-Unit option is oversubscribed, the units in the oversubscribed option will be allocated on a pro-rata basis that may result in a fractional allocation.

⁴ See Ninth Article (b)(i)(B), Amended and Restated Certificate of Incorporation of Miami International Holdings, Inc., effective October 16, 2015 (providing that no Exchange Member, either alone or together with its Related Persons, may own, directly or indirectly, of record or beneficially, shares constituting more than twenty percent (20%) of any class of capital stock of the Corporation). Any purported transfer of shares or ownership of shares in violation of the ownership cap by a Member would be subject to the limitations of the Certificate of Incorporation, including the non-recognition of voting rights of shares in excess of the cap and a redemption right by MIH for excess shares. See Ninth Article (d) and (e), Amended and Restated Certificate of Incorporation of Miami International Holdings, Inc., effective October 16, 2015.

the measurement periods, as detailed below.

Upon the initial investment, the participant Member would receive common shares equal to 31,407 shares of the common stock and 10% of the warrants will vest. A participant Member will be eligible to earn the remaining warrants during measurement periods provided that the participant has achieved a specified percentage of the total national average daily volume of options contracts reported to The Options Clearing Corporation (“OCC”) (“OCC ADV”) on MIAX Options of all option classes listed on MIAX Options.⁵

The remaining seven (7) tranches, of 90% of the warrants, will vest during the following measurement periods: (i) 10.90% of the warrants resulting from months 1–6, with a volume commitment of 0.400% of OCC ADV on MIAX Options per G-Unit; (ii) 10.90% of the warrants resulting from months 7–12, with a volume commitment of 0.400% of OCC ADV on MIAX Options per G-Unit; (iii) 13.64% of the warrants resulting from months 13–18, with a volume commitment of 0.500% of OCC ADV on MIAX Options per G-Unit; (iv) 13.64% of the warrants resulting from months 19–24, with a volume commitment of 0.500% of OCC ADV on MIAX Options per G-Unit; (v) 13.64% of the warrants resulting from months 25–30, with a volume commitment of 0.500% of OCC ADV on MIAX Options per G-Unit; (vi) 13.64% of the warrants resulting from months 31–36, with a volume commitment of 0.500% of OCC ADV on MIAX Options per G-Unit; and (vii) 13.64% of the warrants resulting from months 37–42, with a volume

⁵ If an options class is not listed on MIAX Options, then the trading volume in that options class will be omitted from the calculation of % OCC ADV. Priority Customer-to-Priority Customer Crossing transactions where no fees are paid to the Exchange, special strategies, and contracts as to which a Member acts solely as clearing agent will not be counted in the number of option contracts executed on the Exchange by any Member. (Incidental Priority Customer-to-Priority Customer transactions, that are not crossing transactions, will be counted in the number of options contracts executed on the Exchange by a Member.) Special strategies for the purpose of calculating trading volume include: (i) Dividend strategy; (ii) merger strategy; (iii) short stock interest strategy; (iv) reversal and conversion strategies; (v) jelly roll strategy; and (vi) similar strategies offered by an options exchange that are subject to a fee cap. Trading in special strategies currently is not available on MIAX Options. Special strategies will be omitted from the calculation of % OCC ADV to the extent it is possible to identify such transactions.

⁶ The first measurement period will begin on July 3, 2017 and end December 29, 2017. Therefore, July 3, 2017 through December 29, 2017 will count as months 1–6 for purposes of the measurement period.

commitment of 0.500% of OCC ADV on MIAX Options per G-Unit. If a participant Member reaches 100% of the volume commitment during a tranche's measurement period, the Member will earn 100% of the warrants applicable to such measurement period. If a participant Member reaches less than 100% but at least 70% of the volume commitment during a tranche's measurement period, the Member will earn a reduced amount of warrants on a pro-rata basis applicable to such measurement period. If a participant Member fails to reach a minimum of 70% of the volume commitment during a tranche's measurement period, the Member will lose all right to that tranche of warrants. Notwithstanding, in the event a participant Member has not satisfied the volume commitment for any one measurement period (other than measurement period 7), the participant Member will have an opportunity to vest those warrants if such participant Member applies a portion of the Member's overperformance from the measurement period immediately following the prior measurement period to ensure a minimum of 70% of the volume commitment in the prior period and in addition has satisfied the volume commitment for the measurement period immediately following. If a participant Member exceeds 100% of the volume commitment during a tranche's measurement period, the Member is able to earn, on a pro-rata basis, warrants not earned by other participant Members.

H-Units Option

Members that participate in the H-Unit option of the Program will be issued for each unit warrants to purchase 414,661 shares of common stock of MIH in exchange for the prepayment of Exchange fees in the amount of \$500,000 for the 42-month period commencing July 3, 2017, and with such warrants being exercisable upon the achievement by the participating Member of certain volume thresholds on the Exchange during a 42-month measurement period commencing July 3, 2017. A total of 30 H-Units will be offered. The total equity ownership of MIH common stock held by any one participant Member will be subject to a cap of 19.9%.

The warrants will vest in seven (7) tranches during the following measurement periods: (i) 12.12% of the warrants resulting from months 1–6, with a volume commitment of 0.400% of OCC ADV on MIAX Options per H-

Unit;⁷ (ii) 12.12% of the warrants resulting from months 7–12, with a volume commitment of 0.400% of OCC ADV on MIAX Options per H-Unit; (iii) 15.15% of the warrants resulting from months 13–18, with a volume commitment of 0.500% of OCC ADV on MIAX Options per H-Unit; (iv) 15.15% of the warrants resulting from months 19–24, with a volume commitment of 0.500% of OCC ADV on MIAX Options per H-Unit; (v) 15.15% of the warrants resulting from months 25–30, with a volume commitment of 0.500% of OCC ADV on MIAX Options per H-Unit; (vi) 15.15% of the warrants resulting from months 31–36, with a volume commitment of 0.500% of OCC ADV on MIAX Options per H-Unit; and (vii) 15.16% of the warrants resulting from months 37–42, with a volume commitment of 0.500% of OCC ADV on MIAX Options per H-Unit. If a participant Member reaches 100% of the volume commitment during any one tranche's measurement period, the Member will earn 100% of the warrants applicable to such measurement period. If a participant Member reaches less than 100% but at least 70% of the volume commitment during a tranche's measurement period, the Member will earn a reduced amount of warrants on a pro-rata basis applicable to such measurement period. If a participant Member fails to reach a minimum of 70% of the volume commitment during the measurement period, the Member will lose all right to that tranche of warrants. Notwithstanding, in the event a participant Member has not satisfied the volume commitment for any one measurement period (other than measurement period 7), the participant Member will have an opportunity to vest those warrants if such participant Member applies a portion of the Member's overperformance from the measurement period immediately following the prior measurement period to ensure a minimum of 70% of the volume commitment in the prior period, and in addition has satisfied the volume commitment for the measurement periods immediately following. If a participant Member exceeds 100% of the volume commitment during any one tranche's measurement period, the Member is able to earn, on a pro-rata basis, warrants not earned by other participant Members.

Once a participant Member has prepaid Exchange fees for the initial 42-

⁷ The first measurement period will begin on July 3, 2017 and end December 29, 2017. Therefore, July 3, 2017 through December 29, 2017 will count as months 1–6 for purposes of the measurement period.

month period, each month the participant Member may execute contracts and accumulate transaction fees based on the prevailing MIAX Options Fee Schedule in effect at the time. Once an H-Unit participant Member has executed contract volume whereby the total accumulated transaction fees equal the prepaid amount, all subsequently executed contracts will be billed and collected at the appropriate rate as defined in the MIAX Options Fee Schedule.

Provisions Applicable to Both G-Units and H-Units

A Member of the Exchange and its Affiliate as defined in the Fee Schedule of MIAX Options⁸ may together participate in the Program as follows. In order to participate in the Program with a participant Member an Appointed Market Maker or Appointed EEM must be designated as such as of June 29, 2017 pursuant to the procedure for appointing an Appointed Market Maker or Appointed EEM set forth in the MIAX Options Fee Schedule. An Appointed Market Maker or Appointed EEM may not otherwise be a participant Member of the Program. Notwithstanding the ability to change the designation of an Appointed Market Maker or Appointed EEM as set forth in the Fee Schedule of

⁸ For purposes of the MIAX Options Fee Schedule, the term "Affiliate" means (i) an affiliate of a Member of at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A, ("Affiliate"), or (ii) the Appointed Market Maker of an Appointed EEM (or, conversely, the Appointed EEM of an Appointed Market Maker). An "Appointed Market Maker" is a MIAX Market Maker (who does not otherwise have a corporate affiliation based upon common ownership with an EEM) that has been appointed by an EEM and an "Appointed EEM" is an EEM (who does not otherwise have a corporate affiliation based upon common ownership with a MIAX Market Maker) that has been appointed by a MIAX Market Maker, pursuant to the following process. A MIAX Market Maker appoints an EEM and an EEM appoints a MIAX Market Maker, for the purposes of the Fee Schedule, by each completing and sending an executed Volume Aggregation Request Form by email to membership@miaxoptions.com no later than 2 business days prior to the first business day of the month in which the designation is to become effective. Transmittal of a validly completed and executed form to the Exchange along with the Exchange's acknowledgement of the effective designation to each of the Market Maker and EEM will be viewed as acceptance of the appointment. The Exchange will only recognize one designation per Member. A Member may make a designation not more than once every 12 months (from the date of its most recent designation), which designation shall remain in effect unless or until the Exchange receives written notice submitted 2 business days prior to the first business day of the month from either Member indicating that the appointment has been terminated. Designations will become operative on the first business day of the effective month and may not be terminated prior to the end of the month. Execution data and reports will be provided to both parties. See, MIAX Options Fee Schedule note 1.

MIAX Options for MIAX Options Fee Schedule purposes, no such change in designation may be made for purposes of the Program and any designation of an Appointed Market Maker or Appointed EEM as of June 29, 2017 shall remain in effect for purposes of the Program for the duration of the Program.⁹ An Affiliate of a Member with at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A (a "Corporate Affiliate"), is not required to follow the procedure set forth on the MIAX Options Fee Schedule for designation of an Appointed Market Maker or Appointed EEM and will together be deemed a participant Member in the Program for so long as it maintains such corporate affiliation with the other Member. Alternatively, a Corporate Affiliate of a Member may directly join the Program and be a separate participant Member of the Program. Volume thresholds and other aspects of the Program may be met by the Member and its Affiliate who will together constitute a participant Member in the Program. In the case where a Member and its Corporate Affiliate separately joined the Program as participant Members volume thresholds and other aspects of the Program must be met separately by the Member and its Corporate Affiliate.

Each participant Member will have a standard piggyback registration right to include the common shares and the common shares issuable upon exercise of the warrants should MIH file a Registration Statement under the Securities Act of 1933. Each participant Member will also have the right to participate pro rata in all future offerings of MIH securities for so long as the participant Member holds at least 51% of the common shares purchased by the participating Member directly or issuable upon the exercise of warrants included in at least one H-Unit. MIH will have the right of first refusal to purchase any common shares or warrant shares that a participant Member decides to transfer or sell. Other participant Members will have the secondary right of first refusal to purchase any common shares or warrant shares that a participant Member decides to transfer or sell.

When a participating Member acquires a certain number of units, the Member can appoint one director to the MIH Board and/or the MIAX Options Board. The Exchange notes that the

⁹ A participant Member who changes a designation of an Appointed Market Maker or Appointed EEM during the Program will be effective with respect to transactions on the Exchange other than the Program.

number of non-industry directors on the MIAX Options Board, including at least one independent director, must equal or exceed the number of industry directors and Member representatives, and that additional new non-industry directors and Member representative directors will need to be added in order to maintain this status. The Exchange also notes that any directors that may be selected by a participating Member would not be counted towards the 20% Member representative requirement on the MIAX Options Board. In addition, the Exchange notes that a Member is only entitled to a new seat if they are not currently represented on the MIAX Options Board.

All applicants will be subject to the same eligibility and designation criteria, and all participant Members will participate in the Program on the same terms, conditions and restrictions. To be designated as a participant Member, an applicant must: (i) Be a Member in good standing of MIAX Options; (ii) qualify as an "accredited investor" as such term is defined in Regulation D of the Securities Act of 1933;¹⁰ and (iii) have executed all required documentation for Program participation. Participant Members must have executed the definitive documentation, satisfied the eligibility criteria required of Program participants enumerated above, and tendered the minimum cash investment or prepayment of fees by June 29, 2017, with a closing to occur on June 30, 2017.

As discussed above, the purpose of the Program is to encourage Members to direct greater trade volume to MIAX Options to enhance trading volume in MIAX Options' market. Increased volume will provide for greater liquidity and enhanced price discovery, which benefits all market participants. Other exchanges have engaged in the practice of incentivizing increased order flow in order to attract liquidity providers through equity sharing arrangements.¹¹ In addition, the Exchange previously

¹⁰ The purpose of this criterion relates to the ability of MIH to sell shares of common stock pursuant to an exemption from registration under the Securities Act of 1933. The definition of "accredited investor" under Rule 501(a)(1) of the Securities Act of 1933 includes any broker or dealer registered pursuant to Section 15 of the Act. MIAX Options Rule 200(b) requires a Member to be registered as a broker or dealer pursuant to Section 15 of the Act, therefore all MIAX Options Members will satisfy this criterion.

¹¹ See, e.g., Securities Exchange Act Release Nos. 62358 (June 22, 2010), 75 FR 37861 (June 30, 2010) (SR-NSX-2010-06); 64742 (June 24, 2011), 76 FR 38436 (June 30, 2011) (SR-NYSEAmex-2011-018); 69200 (March 21, 2013), 78 FR 18657 (March 27, 2013) (SR-CBOE-2013-31); 74114 (January 22, 2015), 80 FR 4611 (January 28, 2015) (SR-BOX-2015-03); and 74576 (March 25, 2015), 80 FR 17122 (March 31, 2015) (SR-BOX-2015-16).

adopted substantially similar programs to incentivize increased order flow in order to attract liquidity providers through an equity sharing arrangement.¹² The Program similarly intends to attract order flow, which will increase liquidity, thereby providing greater trading opportunities and tighter spreads for other market participants and causing a corresponding increase in order flow from these other market participants. The Program will similarly reward the liquidity providers that provide this additional volume with a potential proprietary interest in MIAX Options.

The specific volume thresholds of the Program's measurement periods were set based upon business determinations and analysis of current volume levels. The volume thresholds are intended to incentivize firms to increase the number of orders that are sent to MIAX Options to achieve the next threshold. Increasing the number of orders that are sent to MIAX Options will in turn provide tighter and more liquid markets, and therefore attract more business as well.

MIAX Options will initiate the measurement period on July 3, 2017. The Exchange will notify Members of the implementation of the Program and the dates of the enrollment period by Regulatory Circular, and will post a copy of this rule filing on its Web site. Any MIAX Options Member that is interested in participating in the Program may contact MIAX Options for more information and legal documentation and will be required to enter into a nondisclosure agreement regarding this additional Program information.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act¹³ in general, and furthers the objectives of Section 6(b)(5) of the Act¹⁴ 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. Additionally, the

¹² See Securities Exchange Act Release Nos. 70498 (September 25, 2013), 78 FR 60348 (October 1, 2013) (SR-MIAX-2013-43); 74095 (January 20, 2015), 80 FR 4011 (January 26, 2015) (SR-MIAX-2015-02); and 74225 (February 12, 2015), 80 FR 7897 (February 12, 2015) (SR-MIAX-2015-05).

¹³ 15 U.S.C. 78f(b).

¹⁴ 15 U.S.C. 78f(b)(5).

Exchange believes the proposed rule change is consistent with the Section 6(b)(5) of the Act¹⁵ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,¹⁶ which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

In particular, the proposed rule change is equitable and not unfairly discriminatory, because all Members may elect to participate (or elect to not participate) in the Program and earn units on the same terms and conditions, assuming they satisfy the same eligibility criteria as described above. The eligibility criteria are objective; thus, all Members have the ability to satisfy them. The Board also has authorized MIAX Options to offer common shares in MIH to any Member that requests designation to participate in the Program and otherwise satisfies the eligibility criteria to ensure that all Members will have the opportunity to own common shares and thus participate in the Program if they so choose. In addition, participant Members will earn warrants on a pro-rata basis upon meeting fixed volume threshold amounts during the measurement periods that will apply to all participant Members.

The Exchange believes that the methodology used to calculate the volume thresholds is fair, reasonable and not unfairly discriminatory because it is based on objective criteria that are designed to omit from the calculation functionality that is not available on the Exchange and types of transactions that are subject to little or no transaction fees. Specifically, the Exchange believes excluding Priority Customer-to-Priority Customer Crossing transactions where no fees are paid to the Exchange, special strategies, and contracts as to which a Member acts solely as clearing agent from the number of option contracts executed on the Exchange by any Member is reasonable and not unfairly discriminatory because participating Members could otherwise game the volume thresholds by executing excess volumes in these types of transactions in which either no transaction fees are charged on the Exchange, or the transaction is subject to a fee cap. The Program is designed to reward participating Members for bringing their

orders and quotes to the Exchange to be executed on the Exchange. The Exchange believes it is appropriate to exclude special strategies from the OCC volume calculation since those transactions are not executed on the Exchange. The Exchange believes that omitting clearing only transactions from the calculation to be fair and reasonable because the fact that a Member is clearing a trade is coincidental to the choice of where to execute that trade. And, because clearing only transactions are not executed on MIAX Options, they do not fall within the intended transactions that qualify for the Program. In addition, if the Exchange were to reward the party clearing a trade, the Exchange would possibly be double counting that trade—once for the executing party and once for the clearing party. Furthermore, the Exchange believes that counting incidental Priority Customer-to-Priority Customer transactions, which are not crossing transactions, in the number of options contracts executed on the Exchange by a Member is fair and reasonable because in these situations the Priority Customer is not necessarily choosing to execute against another Priority Customer in order to avoid a transaction fee.

The Exchange believes that its proposal to allow Affiliates to participate in the Program is fair, reasonable and not unfairly discriminatory because it is being offered to all Members of the Exchange on the same terms and conditions. The Exchange believes that allowing both traditional Corporate Affiliates and also Appointed Market Makers and Appointed EEMs to participate in the Program is reasonable and appropriate because it will provide those participants with a potentially greater opportunity to achieve the volume thresholds in the Program. Also, the Exchange believes that allowing Appointed Market Makers and Appointed EEMs to participate in the Program expands access to the Program to Members that might not otherwise, individually on their own, participate in the Program, which will benefit all market participants by providing greater liquidity on the Exchange, all of which perfects the mechanism for a free and open market and national market system.

The Exchange believes the Program is equitable and reasonable because an increase in volume and liquidity would benefit all market participants by providing more trading opportunities and tighter spreads, even to those market participants that do not participate in the Program.

Additionally, the Exchange believes the proposed rule change is consistent with the Act because, as described above, the Program is designed to bring greater volume and liquidity to the Exchange, which will benefit all market participants by providing tighter quoting and better prices, all of which perfects the mechanism for a free and open market and national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will improve competition by providing market participants with another option when determining where to execute orders and post liquidity.

The Exchange believes that the proposed change would increase both intermarket and intramarket competition by incenting participant Members to direct their orders to the Exchange, which will enhance the quality of quoting and increase the volume of contracts traded here. To the extent that there is an additional competitive burden on non-participant Members, the Exchange believes that this is appropriate because the Program should incent Members to direct additional order flow to the Exchange and thus provide additional liquidity that enhances the quality of its markets and increases the volume of contracts traded here. To the extent that this purpose is achieved, all of the Exchange's market participants should benefit from the improved market liquidity. Enhanced market quality and increased transaction volume that results from the anticipated increase in order flow directed to the Exchange will benefit all market participants and improve competition on the Exchange.

Given the robust competition for volume among options markets, many of which offer the same products, implementing a program to attract order flow like the one being proposed in this filing is consistent with the above-mentioned goals of the Act. This is especially true for the smaller options markets, such as MIAX Options, which is competing for volume with much larger exchanges that dominate the options trading industry. MIAX Options has a modest percentage of the average daily trading volume in options, so it is unlikely that the Program could cause any competitive harm to the options market or to market participants. Rather, the Program is an attempt by a small

¹⁵ 15 U.S.C. 78f(b)(5).

¹⁶ 15 U.S.C. 78f(b)(4).

options market to attract order volume away from larger competitors by adopting an innovative pricing strategy, as evidenced by the volume thresholds of the Program that represent fractions of 1% of OCC ADV. The Exchange notes that if the Program resulted in a modest percentage increase in the average daily trading volume in options executing on MIAX Options, while such percentage would represent a large volume increase for MIAX Options, it would represent a minimal reduction in volume of its larger competitors in the industry. The Exchange believes that the Program will help further competition, because market participants will have yet another option in determining where to execute orders and post liquidity if they factor the benefits of MIAX Options equity participation into the determination. The Exchange notes that other exchanges have engaged in the practice of incentivizing increased order flow in order to attract liquidity providers through equity sharing arrangements.¹⁷ In addition, the Exchange previously adopted substantially similar programs to incentivize increased order flow in order to attract liquidity providers through an equity sharing arrangement.¹⁸

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,¹⁹ and Rule 19b-4(f)(2)²⁰ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-MIAX-2017-28 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 Number SR-MIAX-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 Number SR-MIAX-2017-28 and should be submitted on or before July 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²¹

Eduardo A. Aleman,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80905; File No. SR-IEX-2017-14]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Continued Listing Standards for Exchange Traded Products

June 12, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")² and Rule 19b-4 thereunder,³ notice is hereby given that, on June 5, 2017, the Investors Exchange LLC ("IEX" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the 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

Pursuant to the provisions of Section 19(b)(1) under the Securities Exchange Act of 1934 ("Act"), and Rule 19b-4 thereunder, Investors Exchange LLC ("IEX" or "Exchange") is filing with the Commission a proposed rule change to amend Chapter 16 of IEX Rules to add additional continued listing requirements for exchange traded products ("ETP") listed under those rules, as well as a related amendment to IEX Rule 14.501 (Notification of Deficiency by IEX Regulation), and several clarifying and conforming changes to IEX Rules 14.101, 14.500, 14.501 and 14.505. The Exchange is also proposing various housekeeping changes throughout Chapter 16 for improved clarity. In addition, the Exchange is proposing to revise certain of the initial and continued listing standards applicable to Linked Securities and Index-Linked Exchangeable Notes in Rules 16.110 and 16.111 respectively. The Exchange has

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

¹⁷ See *supra* note 11.

¹⁸ See *supra* note 12.

¹⁹ 15 U.S.C. 78s(b)(3)(A)(ii).

²⁰ 17 CFR 240.19b-4(f)(2).

²¹ 17 CFR 200.30-3(a)(12).

designated this proposal as non-controversial and provided the Commission with the notice required by Rule 19b-4(f)(6)(iii) under the Act. The text of the proposed rule change is available at the Exchange's Web site at www.iextrading.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 these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Chapter 16 of IEX Rules to add additional continued listing standards for products listed under those rules (*i.e.*, ETPs), as well as a related amendment to IEX Rule 14.501 (Notification of Deficiency by IEX Regulation), and several clarifying and conforming changes to IEX Rules 14.101, 14.500, 14.501 and 14.505. The Exchange is also proposing various housekeeping changes throughout Chapter 16 (*e.g.*, punctuation, formatting, capitalization and renumbering) for improved clarity.

The Exchange does not currently list any ETPs.⁴ The proposed rule changes are based on substantially identical Nasdaq Stock Market ("Nasdaq") rule changes that were recently approved by the Commission, or that have become effective.⁵ The listing rules, as amended

by this proposed rule change, will become operative no later than October 1, 2017.⁶

In Nasdaq's recent Commission approved rule filing amending its ETP listing standards, Nasdaq noted that staff of the Commission's Division of Trading and Markets ("DTM") requested that Nasdaq adopt certain additional continued listing standards for ETPs, citing their concern for potential manipulation of ETPs.⁷ As a result, the Nasdaq rule change, as well as the Exchange's rule changes proposed in this filing, reflect guidance provided by DTM that most initial listing standards, as well as certain representations included in Exchange rule filings under SEC Rule 19b-4⁸ to list an ETP ("Exchange Rule Filing"), are also considered continued listing standards. The Exchange Rule Filing representations that will also be required to be maintained on a continuous basis include: (a) The description of the fund; (b) the fund's investment restrictions; and (c) the applicability of IEX listing rules specified in an Exchange Rule filing.

The proposed rule changes would require that ETPs listed by the Exchange without an Exchange Rule Filing maintain the initial index or reference asset criteria on a continued basis. For example, in the case of a domestic equity index, these criteria generally include: (a) Stocks with 90% of the weight of the index must have a minimum market value of at least \$75 million; (b) stocks with 70% of the weight of the index must have a minimum monthly trading volume of at least 250,000 shares; (c) the most heavily weighted component cannot exceed 30% of the index, and the five most heavily weighted stocks cannot exceed 65%; (d) there must be at least 13 stocks in the index; and (e) all securities in the index must be listed in the U.S. There are similar criteria for international indexes, fixed-income indexes and indexes with a combination of components.

If an Exchange Rule Filing is made to list a specific ETP, the proposed rule

change would require that the issuer of the security comply on a continuing basis with any statements or representations contained in the applicable rule proposal, including: (a) The description of the portfolio; (b) limitations on portfolio holdings or reference assets; and (c) the applicability of IEX listing rules specified in such Exchange Rule Filing.

As proposed, the Exchange would initiate delisting proceedings for a product listed under Chapter 16 if any of its continued listing requirements (including those set forth in an IEX rule and those set forth in an Exchange Rule Filing) are not continuously maintained.⁹

The continued listing rules are also proposed to be amended to modify ETP compliance with the minimum 50 beneficial holder requirement for continued listing (the "ETP Beneficial Holder Rule"). Specifically, the portion of the ETP Beneficial Holder Rule regarding when IEX would consider the suspension of trading following the initial twelve month period beginning upon the commencement of trading will be amended to delete the "30 or more consecutive trading days" requirement. IEX's other shareholder tests in the listing rules do not prescribe minimum time frames for compliance and the Exchange believes that more frequent review is not necessary to provide meaningful assurances of liquidity or trading interest. This modification will conform the ETP Beneficial Holder Rule to the other shareholder tests in the listing rules and remove references to a requirement that necessitates daily monitoring of shareholders.

The IEX listing rules would also be modified to require that issuers of securities listed under Chapter 16 must notify the Exchange regarding instances of non-compliance. In addition, while any listed ETPs would be subject to the delisting process specified in IEX Rule Series 14.500, the rules would be clarified to make this explicit.¹⁰ Specifically, the Exchange proposes to make conforming and technical changes to Rules 14.500(a), 14.501(a) and (d), Supplementary Material .01 to Rule 14.501, and 14.505 to specify that the provisions therein relate to securities

⁹ Unlike failures to comply with other continued listing requirements, if there is an interruption to the dissemination of the reference asset, index, or intraday indicative values for a listed product, the Exchange would initiate delisting proceedings under the IEX Rule Series 14.500 only if the interruption persists past the trading day in which it occurred. *See, e.g.*, proposed changes to Rules 16.105(a)(9)(B)(i)(d)-(e) and 16.105(b)(9)(B)(i)(d)-(e).

¹⁰ ETPs would also be subject to IEX Rule 11.280, which governs trading halts.

⁴ In connection with IEX's Form 1 application for registration as a national securities exchange, the Commission approved rules applicable to the listing of ETPs on IEX. *See* Securities Exchange Act Release No. 78101 (June 17, 2016), 81 FR 41141 (June 23, 2016). These IEX rules are modelled on Nasdaq's rules applicable to the listing of ETPs on Nasdaq, except that IEX rules do not provide for the listing of currency warrants, alpha index securities and NextShares. Additionally, the continued listing requirements applicable to Managed Fund Shares under IEX Rule 16.135 are included in SR-IEX-2017-03 (*See*, Securities Exchange Act Release No. 80545 (April 27, 2017), 82 FR 20648 (May 3, 2017)).

⁵ *See*, Securities Exchange Act Release No. 79784 (Jan. 12, 2017), 82 FR 6664 (January 19, 2017) (SR-

NASDAQ-2016-135). *See also*, Securities Exchange Act Release No. 80210 (March 10, 2017), 82 FR 14094 (March 16, 2017) (SR-NASDAQ-2017-023). *See also*, SR-NASDAQ-2017-040 filed with the Commission on May 3, 2017 for effectiveness pursuant to Section 19b(3)(A)(iii) of the Act and Rule 19b-4(f)(6) thereunder.

⁶ The Exchange does not intend to list ETPs at this time or in the near future, but this date ensures the Exchange has sufficient time to meet its compliance obligations.

⁷ *See*, Securities Exchange Act Release No. 79784 (Jan. 12, 2017), 82 FR 6664 (January 19, 2017) (SR-NASDAQ-2016-135).

⁸ 17 CFR 240.19b-4.

listed under Chapter 16 as well as Chapter 14, and to make several technical and conforming changes.

The Rule Series 14.500 would also be clarified to make explicit that in cases where IEX Regulation has notified an ETP that it is deficient under one or more listing standards, the ETP may submit a plan to regain compliance as set forth under the Exchange's listing rules. In this regard, consistent with deficiencies from most other rules that allow issuers to submit a plan to regain compliance,¹¹ IEX proposes to allow issuers of ETPs 45 calendar days to submit such a plan. IEX staff will review the plan and may grant a limited period of time for the ETP to regain compliance as permitted under the listing rules. If IEX staff does not accept the plan, IEX staff would issue a Delisting Determination, which the company could appeal to the Listings Review Committee pursuant to Rule 14.502.

In addition, proposed amendments to Rule 14.101 would specify that the Exchange's broad discretionary authority over the initial and continued listing of securities on the Exchange also applies to securities listed under Chapter 16 as well as under Chapter 14.

Additionally, the Exchange proposes to make conforming and technical changes throughout Chapter 16 to maintain consistency in its rules. For example, the Exchange proposes to consistently use the language "initiate delisting proceedings under the IEX Rule Series 14.500" when describing the delisting process for a product that fails to meet continued listing requirements;¹² consistently state in the Portfolio Depository Receipts and Index Fund Shares rules that, if the index that underlies a series of Portfolio Depository Receipts or Index Fund Shares is maintained by a broker-dealer or fund advisor, the index shall be calculated by a third party who is not a broker-dealer or fund advisor;¹³ and

¹¹ Pursuant to Rule 14.501, a company is provided 45 days to submit a plan to regain compliance with Rules 14.408(c) (Quorum), 14.411 (Review of Related Party Transactions), 14.412 (Shareholder Approval), 14.207(c)(3) (Auditor Registration), 14.208(a) (Direct Registration Program), 14.406 (Code of Conduct), 14.407(a)(4)(E) (Quorum of Limited Partnerships), 14.407(a)(4)(G) (Related Party Transactions of Limited Partnerships), 14.413 (Voting Rights), or 14.414 (Internal Audit Function). A company is generally provided 60 days to submit a plan to regain compliance with the requirement to timely file reports contained in Rule 14.207(c)(1) or (2).

¹² See, e.g., proposed changes to Rules 16.105(a)(9)(B)(i) and 16.105(b)(9)(B)(i).

¹³ See proposed changes to Rules 16.105(a)(4)(B)(i), 16.105(a)(5)(A)(i), 16.105(b)(4)(B)(i), and 16.105(b)(5)(A)(i); see also Rule 16.105(a)(3)(B)(i) (currently stating that, for certain Portfolio Depository Receipts, "[i]f the index is maintained by a broker-dealer or fund advisor

consistently reflect that delisting "following the initial 12-month period following commencement of trading on IEX only applies to the record/beneficial holder, number of shares issued and outstanding, and the market value of shares issued and outstanding requirements."¹⁴

Further, references in the Chapter 16 continued listing standards that state that if the requirements set forth in that particular section are not continuously maintained constitute a reason for IEX to consider the suspension of trading, covers only listing criteria that are explicitly considered continued listing standards for that rule.

Finally, the Exchange is proposing to revise certain of the initial and continued listing standards applicable to Linked Securities and Index-Linked Exchangeable Notes in Rules 16.110 and 16.111 respectively to conform to provisions in comparable Nasdaq rules.

Specifically, the Exchange proposes to amend paragraph (e) of Rule 16.110 (Securities Linked to the Performance of Indexes and Commodities (Including Currencies)), which allows the listing of Linked Securities. In addition to providing that the relevant provisions are considered continued as well as initial listing standards (as discussed above generally) the proposed rule change will modify the specific provisions of Rule 16.110(e) to reflect a substantially identical change previously made by Nasdaq to Nasdaq Rule 5710(e).¹⁵ Rule 16.110 states that for the listing of a Linked Security, the issuer will be expected to have a minimum tangible net worth in excess of \$250 million and income from continuing operations before income taxes of at least \$1,200,000 in the most recently completed fiscal year or in two of the three most recently completed fiscal years. As proposed, the income from continuing operations requirement would be deleted, and a parenthetical will be added following the existing minimum tangible net worth requirement to state that if the Linked Securities are fully and unconditionally

... the index shall be calculated by a third party who is not a broker-dealer or fund advisor") and 16.105(b)(3)(B)(i) (currently stating that, for certain Index Fund Shares, "[i]f the index is maintained by a broker-dealer or fund advisor ... the index shall be calculated by a third party who is not a broker-dealer or fund advisor").

¹⁴ See, e.g., proposed changes to Rule 16.111(d)(6)(B); see also, e.g., Rule 16.111(h)(4)(B)(i) (currently applying the 12-month threshold only to the record/beneficial holder, number of units issued and outstanding, and market value of units issued and outstanding requirements for Partnership Units).

¹⁵ See Securities Exchange Act Release No. 80348 (March 30, 2017), 82 FR 16651 (April 5, 2017) (SR-NASDAQ-2017-032).

guaranteed by an affiliate of the Company, IEX will rely on such affiliate's tangible net worth for purposes of this requirement. In addition, the Exchange proposes to add the following provisions that are substantively identical to provisions in Nasdaq Rule 5710(e). First, with respect to the alternative listing requirement, the original issue price of the Linked Securities, combined with all of the company's other Linked Securities listed on a national securities exchange or otherwise publicly traded in the United States, must not be greater than 25 percent of the company's tangible net worth at the time of issuance. Second, a parenthetical will be added following this provision to state that if the Linked Securities are fully and unconditionally guaranteed by an affiliate of the Company, IEX will apply the provisions of this paragraph to such affiliate instead of the Company and will include in its calculation all Linked Securities that are fully and unconditionally guaranteed by such affiliate. Third, as with the Nasdaq provision, a sentence at the end of this listing standard will state that Government issuers and supranational entities will be evaluated on a case-by-case basis.

With respect to Rule 16.111(a)(3) relating to the initial and continued listing standards applicable to Index-Linked Exchangeable Notes, the Exchange proposes to amend the rule to conform to current provisions of Nasdaq Rule 5711(a)(iii), as well as to provide that the relevant provisions are considered continued as well as initial listing standards (as discussed above generally). Currently, Rule 16.111(a)(3) provides for two alternative listing standards for Index-Linked Exchangeable Notes. Each alternative includes a requirement that the issuer of the Index-Linked Exchangeable Notes have annual income from continuing operations before income taxes of at least \$1,200,000 in the most recently completed fiscal year or in two of the three most recently completed fiscal years. The Exchange proposes to replace each such requirement with a requirement that the issuer of the Index-Linked Exchangeable Notes have income from continuing operations before income taxes substantially exceeding \$1,000,000 in the most recently completed fiscal year or in two of the three most recently completed fiscal years. As proposed, this provision is substantively identical to

corresponding provisions in Nasdaq Rule 5711(a)(iii).¹⁶

2. Statutory Basis

IEX believes that the proposed rule change is consistent with Section 6(b) of the Act in general, and furthers the objectives of Section 6(b)(5) of the Act, 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 mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange notes that the changes proposed herein are substantially similar to Nasdaq rule changes approved by the Commission or that have become effective. IEX's listing rules for ETPs are also substantially similar to Nasdaq's listing rules for ETPs. Accordingly, the Exchange does not believe that the proposed rule change raises any new or novel issues and is consistent with the requirements of Section 6(b)(5) of the Act.

Specifically, the Exchange believes that the proposed rule changes accomplish these objectives by enhancing the current continued listing standards, as well as by clarifying that most initial listing standards, as well as certain representations included in Exchange Rule Filings to list an ETP, would be considered continued listing standards. In approving comparable Nasdaq changes to its continued listing standards for ETPs, the Commission found that the proposal is consistent with the Act, noting the importance of continued listing criteria to the maintenance of fair and orderly markets. Specifically, the Commission stated that the proposal is designed to ensure that stocks with substantial market capitalization and trading volume account for a substantial portion of the weight of an index or portfolio underlying a listed ETP, provide transparency regarding the components of an index or portfolio underlying a listed ETP, ensure that there is adequate liquidity in a listed ETP itself, and provide timely and fair disclosure of

¹⁶ In relevant part, Nasdaq Rule 5711(a)(iii) provides that the issuer will be expected to "substantially exceed the earnings requirements set forth in Nasdaq Rule 5405(b), which requires "[a]n annual income from continuing operations before income taxes of at least \$1,000,000 in the most recently completed fiscal year or in two of the three most recently completed fiscal years."

¹⁷ 15 U.S.C. 78f.

¹⁸ 15 U.S.C. 78f(b)(5).

useful information that may be necessary to price the listed ETP. Further, the Commission stated that the Nasdaq proposal would increase transparency regarding the process Nasdaq will follow if a listed product fails to meet its continued listing requirements. The Commission also stated that it does not believe Nasdaq's proposal raises any unique or novel regulatory issues.¹⁹ The Exchange believes that the same considerations support that the proposed rule change is consistent with the Act.

The continued listing rules will be amended to modify ETP compliance with the ETP Beneficial Holder Rule regarding when IEX would consider the suspension of trading following the initial twelve month period beginning upon commencement of trading by deleting the "30 or more consecutive trading days" requirement. The Exchange believes that this change serves 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 since it will conform the ETP Beneficial Holder Rule with the other shareholder tests in the listing rules and the Exchange believes that more frequent review is not necessary to provide meaningful assurances of liquidity or trading interest.

Additionally, IEX listing rules will be modified to require that issuers of any securities to be listed under Chapter 16 must notify the Exchange regarding instances of non-compliance and to clarify that deficiencies will be subject to potential trade halts and the delisting process in the IEX Rule Series 14.500. The Exchange believes that these amendments will enhance IEX listing rules, thereby serving to improve the national market system and protect investors and the public interest.

Further, IEX listing rules will be amended to clarify the applicability of the Exchange's broad discretionary authority over the initial and continued listing of securities on the Exchange to securities listed under Chapter 16 as well as under Chapter 14. The Exchange believes that these amendments will enhance IEX listing rules by clarifying the Exchange authority to make listing decisions consistent with the protection of investors and the public interest.

In addition, the Exchange believes that the conforming, technical and housekeeping changes are designed to further the goals of the listing standards

¹⁹ See generally, Securities Exchange Act Release No. 79784 (Jan. 12, 2017), 82 FR 6664 (January 19, 2017) (SR-NASDAQ-2016-135).

by providing clarity and consistency in the Exchange's rules.

Finally, the Exchange believes that the changes to Rules 16.110 and 16.111 to conform to substantially identical Nasdaq rules are consistent with the protection of investors and the public interest since the applicable listing standards as revised will continue to provide a strong indication of the issuer's ability to make necessary payments on Linked Securities and Index-Linked Exchangeable Notes. Moreover, the conforming changes are substantially identical to Nasdaq rules that were approved by the Commission or that have become effective and therefore the Exchange does not believe that the proposed changes raise any new or novel issues not previously considered by the Commission.

For these reasons, IEX believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is based on substantially identical Nasdaq rules and is comparable to NYSE Arca rules, in each case based on DTM Staff guidance. Consequently, the Exchange believes the proposed rule changes will have no negative effect on competition.

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 Act²⁰ and Rule 19b-4(f)(6) thereunder.²¹

²⁰ 15 U.S.C. 78s(b)(3)(A).

²¹ 17 CFR 240.19b-4(f)(6). As required under Rule 19b-4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-IEX-2017-14 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-IEX-2017-14. 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

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.

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-IEX-2017-14 and should be submitted on or before July 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²²

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-12456 Filed 6-15-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-0213

Extension:

Rule 22d-1, SEC File No. 270-275, OMB Control No. 3235-0310

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 ("Paperwork Reduction Act") (44 U.S.C. 3501-3520), the Securities and Exchange Commission (the "Commission") has submitted to the Office of Management and Budget ("OMB") a request for extension of the previously approved collection of information discussed below.

Rule 22d-1 under the Investment Company Act of 1940 (the "1940 Act") (17 CFR 270.22d-1) provides registered investment companies that issue redeemable securities ("funds") an exemption from section 22(d) of the 1940 Act (15 U.S.C. 80a-22(d)) to the extent necessary to permit scheduled variations in or elimination of the sales load on fund securities for particular classes of investors or transactions, provided certain conditions are met. The rule imposes an annual burden per series of a fund of approximately 15 minutes, so that the total annual burden for the approximately 4,509 series of funds that might rely on the rule is estimated to be 1127.25 hours.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act. The estimate is based on communications with industry representatives, and is not

derived from a comprehensive or even a representative survey or study.

Responses will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The public may view the background documentation for this information collection at the following Web site, www.reginfo.gov. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: ShaguftaAhmed@omb.eop.gov; and (ii) 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: PRMailbox@sec.gov. Comments must be submitted to OMB within 30 days of this notice.

Dated: June 13, 2017.

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-12537 Filed 6-15-17; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15163 and #15164; WISCONSIN Disaster #WI-00058]

Administrative Declaration of a Disaster for the State of Wisconsin

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Wisconsin dated 06/12/2017.

Incident: Tornado.

Incident Period: 05/16/2017.

DATES: Effective 06/12/2017.

Physical Loan Application Deadline Date: 08/11/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 03/12/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the

²² 17 CFR 200.30-3(a)(12).

Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Barron, Rusk

Contiguous Counties:

Wisconsin: Burnett, Chippewa, Dunn, Polk, Price, Saint Croix, Sawyer, Taylor, Washburn

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners With Credit Available Elsewhere	3.875
Homeowners Without Credit Available Elsewhere	1.938
Businesses With Credit Available Elsewhere	6.430
Businesses Without Credit Available Elsewhere	3.215
Non-Profit Organizations With Credit Available Elsewhere ...	2.500
Non-Profit Organizations Without Credit Available Elsewhere	2.500
<i>For Economic Injury:</i>	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	3.215
Non-Profit Organizations Without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15163 C and for economic injury is 15164 0.

The States which received an EIDL Declaration # are Wisconsin.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: June 12, 2017.

Linda E. McMahon,
Administrator.

[FR Doc. 2017-12579 Filed 6-15-17; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, under Section 309 of the Act and § 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small business Investment Company License No. 02/72-0587 issued to Signal Equity Partners, L.P., said license is hereby declared null and void.

United States Small Business Administration.

Dated: May 19, 2017.

A. Joseph Shepard,

Associate Administrator, Office of Investment and Innovation.

[FR Doc. 2017-12477 Filed 6-15-17; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, under Section 309 of the Act and § 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 02/72-0610 issued to Gefus SBIC, LP., said license is hereby declared null and void.

United States Small Business Administration.

Dated: May 19, 2017.

A. Joseph Shepard,

Associate Administrator, Office of Investment and Innovation.

[FR Doc. 2017-12478 Filed 6-15-17; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice 10038]

E.O. 13224 Designation of Mohammed Isa Yousif Saqar Al Binali, aka Mohammed Isa al-Binali, aka Mohamed Isa al-Binali, aka Mohammed Al-Binali, aka Mohammad Isa Albinali, aka Abu Isa Al Salmi, aka Abu Issa Al-Selmy, aka Abu Al Silmi, as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the person known as Mohammed Isa Yousif Saqar Al Binali, also known as Mohammed Isa al-Binali, also known as Mohamed Isa al-Binali, also known as Mohammed Al-Binali, also known as Mohammad Isa Albinali, also known as Abu Isa Al Salmi, also known as Abu Issa Al-Selmy, also known as Abu Al Silmi, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: June 1, 2017.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017-12426 Filed 6-15-17; 8:45 am]

BILLING CODE 4710-AD-P

DEPARTMENT OF STATE

[Public Notice 10036]

E.O. 13224 Designation of Mohammad Shafi Armar, aka Shafi Armar, aka Mohammed Shafi Armar, aka Safi Armar, aka Yusuf al-Hindi, aka Yousuf-Al Hindi, aka Yousouf al-Hindi, aka Farooque, aka Anjan Bhai, aka Chote Maula, aka Gumnam, as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the person known as Mohammad Shafi Armar, also known as Shafi Armar, also known as Mohammed Shafi Armar, also known as Safi Armar, also known as Yusuf al-Hindi, also known as Yousuf-Al Hindi, also known as Yousouf al-Hindi, also known as Farooque, also known as Anjan Bhai, also known as Chote Maula, also known as Gumnam, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to

be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: June 1, 2017.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017-12419 Filed 6-15-17; 8:45 am]

BILLING CODE 4710-AD-P

DEPARTMENT OF STATE

[Public Notice 10034]

E.O. 13224 Designation of Majelis Mujahidin Indonesia, aka MMI, aka Indonesian Mujahideen Council, aka Indonesian Mujahidin Council, aka Indonesian Mujahideen Council, aka Indonesian Islamic Warriors' Council, aka Majilis Mujahidin Indonesia, aka Indonesia (MMI), aka Majelis Mujahidin Council, aka Laskar Mujahidin, aka Laskar Mujahidin Indonesia, aka LMI, aka Laskar Mujahidin Majelis Mujahidin, aka LM3, aka An Nisa, aka Righteous Decision-Makers as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the entity known as Majelis Mujahidin Indonesia, also known as MMI, also known as Indonesian Mujahideen Council, also known as Indonesian Mujahidin Council, also known as Indonesian Mujahideen Council, also known as Indonesian Islamic Warriors' Council, also known as Majilis Mujahidin Indonesia, also known as Indonesia (MMI), also known as Majelis Mujahidin Council, also known as Laskar Mujahidin, also known as Laskar Mujahidin Indonesia, also known as LMI, also known as Laskar Mujahidin Majelis Mujahidin, also known as LM3, also known as An Nisa, also known as Righteous Decision-Makers committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the

blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: April 20, 2017.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017-12428 Filed 6-15-17; 8:45 am]

BILLING CODE 4710-AD-P

DEPARTMENT OF STATE

[Public Notice 10035]

E.O. 13224 Designation of Marwan Ibrahim Hussayn Tah al-Azawi, aka Murtada Ibrahim Taha Muhammad al-'Isawi, aka Abu Anas, aka Abu Anas al-Shami, aka Al-Samara'i as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the person known as Marwan Ibrahim Hussayn Tah al-Azawi, aka Murtada Ibrahim Taha Muhammad al-'Isawi, aka Abu Anas, aka Abu Anas al-Shami, aka Al-Samara'i, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: April 20, 2017.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017-12427 Filed 6-15-17; 8:45 am]

BILLING CODE 4710-AD-P

DEPARTMENT OF STATE

[Public Notice 10037]

E.O. 13224 Designation of Oussama Ahmad Atar, aka Oussama Atar, aka Usama Attar, aka Usama Atar, aka Abu Ahmad, aka Abou Ahmad, aka Abou Amahad, as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the person known as Oussama Ahmad Atar, also known as Oussama Atar, also known as Usama Attar, also known as Usama Atar, also known as Abu Ahmad, also known as Abou Amahad, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: June 1, 2017.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017-12416 Filed 6-15-17; 8:45 am]

BILLING CODE 4710-AD-P

DEPARTMENT OF STATE

[Public Notice: 10039]

Notice of Receipt of Request From Libya Under Article 9 of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

AGENCY: Department of State.

ACTION: Notice.

The Government of Libya has made a request to the Government of the United States under Article 9 of the 1970 UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*. The United States Department of State received this request on May 30, 2017. Libya's request seeks U.S. import restrictions on archaeological and/or ethnological materials representing Libya's cultural patrimony from the prehistoric through Ottoman Era. Pursuant to the authority vested in the Assistant Secretary of State for Educational and Cultural Affairs, and pursuant to 19 U.S.C. 2602(f)(1), notification of the request is hereby published.

FOR FURTHER INFORMATION CONTACT:

Catherine Foster at 202-632-6310, or the Cultural Heritage Center, Bureau of Educational and Cultural Affairs: 202-632-6301; CulProp@state.gov.

SUPPLEMENTARY INFORMATION: A public summary of Libya's request and information about U.S. implementation of the 1970 UNESCO Convention can be found at the Cultural Heritage Center Web site: <http://culturalheritage.state.gov>.

Mark Taplin,

Acting Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017-12503 Filed 6-15-17; 8:45 am]

BILLING CODE 4710-05-P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36120]

Piedmont and Northern Railroad LLC—Change in Operator Exemption—Piedmont Railway, LLC

Piedmont and Northern Railroad LLC (PDMT), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to assume operations over approximately 13.04 miles of rail line (the Line) owned by the North Carolina Department of Transportation (NCDOT),

a noncarrier, between Mt. Holly (milepost SFC 11.39) and Gastonia (milepost SFC 23.0), including the Belmont spur between Mt. Holly (milepost SFC 13.6/SFF 0.13) and Belmont (milepost SFF 1.56), in Gaston County, N.C. The verified notice indicates that the Line is currently operated by Piedmont & Northern Railway, Inc., (PNRW) and that, as a result of this transaction, PDMT will become a Class III carrier and replace PNRW as the Line's exclusive operator. PDMT states that PNRW is voluntarily terminating its operations of the Line upon expiration of its agreement with NCDOT and that it does not object to the proposed change in operators. PDMT states that operations will be pursuant to a Railroad License and Operating Agreement (Agreement) dated May 10, 2017, between NCDOT and Progressive Rail Incorporated (PGR), a Class III rail carrier, which will assign the Agreement to PDMT. PDMT is a wholly owned subsidiary of PGR.¹

This transaction is related to a concurrently filed verified notice of exemption in *Progressive Rail Inc.—Continuance in Control Exemption—Piedmont & Northern Railroad*, Docket No. FD 36121, in which PGR seeks to continue in control of PDMT upon PDMT's becoming a Class III rail carrier.

PDMT certifies that the Agreement does not include any provision or agreement that would limit future interchange with a third-party connecting carrier. PDMT certifies that its projected annual revenues as a result of this transaction will not exceed those that would result in the creation of a Class II or Class I rail carrier and further certifies that its projected annual revenues will not exceed \$5 million. Under 49 CFR 1150.32(b), a change in operator requires that notice be given to shippers. PDMT certifies that notice of the change in operator was served on the one shipper on the Line.

The earliest this transaction may be consummated is July 1, 2017, the effective date of the exemption.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than June 23, 2017 (at least seven days before the exemption becomes effective).

¹The verified notice indicates that the Agreement does not allow NCDOT to exercise undue control over or interfere with PDMT's operations or ability to provide common carrier service.

An original and 10 copies of all pleadings, referring to Docket No. FD 36120, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Michael J. Barron, Jr., Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606.

Board decisions and notices are available on our Web site at WWW.STB.GOV.

Decided: June 13, 2017.

By the Board, Rachel D. Campbell,
Director, Office of Proceedings.

Clearance Clerk,

Raina S. Contee.

[FR Doc. 2017-12558 Filed 6-15-17; 8:45 am]

BILLING CODE 4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36125]

Kean Burenga—Continuance in Control Exemption—Dover and Rockaway River Railroad, LLC, Belvidere & Delaware River Railway Company, Inc., and Black River & Western Corp.

Kean Burenga, a noncarrier (Burenga), has filed a verified notice of exemption pursuant to 49 CFR 1180.2(d)(2) to continue in control of Dover and Rockaway River Railroad, LLC (DRRR), upon DRRR's becoming a Class III rail carrier. According to Burenga, he currently controls a class III rail carrier, Belvidere & Delaware River Railway Company, Inc. (BVDR), and possibly a second class III rail carrier, Black River & Western Corp. (BRWC). Burenga states that he is a minority shareholder of DRRR and BRWC and that he is filing this verified notice in an abundance of caution to exempt his control of DRRR were the Board to determine that he controls DRRR and, if the Board were to determine he controls BRWC, that entity too.¹

This transaction is related to a concurrently filed verified notice of exemption in Docket No. FD 36124, *Dover & Rockaway River Railroad—Operation Exemption—County of Morris, NJ*. In that proceeding, DRRR seeks an exemption under 49 CFR 1150.31 from 49 U.S.C. 10901 to operate 17.4 miles of rail lines in Morris County, NJ.

The earliest this transaction may be consummated is July 2, 2017, the

¹The Board's exemption authority is permissive, and this notice does not constitute a ruling that Burenga controls, or needs authority to control, either BRWC or DRRR.

effective date of the exemption (30 days after the verified notice was filed).²

Burenga represents that: (1) The rail lines to be operated by DRRR do not connect with any other railroads that Burenga may be deemed to control; (2) the control of DRRR is not part of a series of anticipated transactions that would connect the lines to be operated by DRRR with the rail lines of any carrier that Burenga may be deemed to control; and (3) the transaction does not involve a Class I rail carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under §§ 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here because all of the carriers involved are Class III carriers.

If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed no later than June 23, 2017 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36125, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Eric M. Hocky, Clark Hill, PLC, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

Board decisions and notices are available on our Web site at WWW.STB.GOV.

Decided: June 13, 2017.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Kenyatta Clay,
Clearance Clerk.

[FR Doc. 2017-12534 Filed 6-15-17; 8:45 am]

BILLING CODE 4915-01-P

² On June 5, 2017, DRRR and Burenga jointly requested that the effective date of the exemption be advanced one day, to July 1, 2017. This request will be addressed in a separate decision.

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36124]

Dover and Rockaway River Railroad, LLC—Operation Exemption—County of Morris, NJ.

Dover and Rockaway River Railroad, LLC (DRRR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate pursuant to an agreement a total of approximately 17.4 miles of rail line owned by several railroads (the Dover & Rockaway Railroad, the High Bridge Branch Railroad, and the Chester Branch Railroad) (collectively, the County Railroads), which are all owned by the County of Morris, NJ (the County). The lines at issue are as follows: (1) Chester Branch, between milepost 41.4 at Chester Junction, in Roxbury Township, NJ, and milepost 45.4 in Randolph, NJ; (2) High Bridge Branch, between milepost 22.66 at Ferremonte Junction, in Roxbury Township and milepost 15.2 in Flanders, NJ, and (3) Dover & Rockaway Branch, between milepost 25.7 at D&R Junction in Wharton, NJ, and milepost 31.6 in Rockaway, NJ.

This transaction is related to a concurrently filed verified notice of exemption in *Kean Burenga—Continuance in Control Exemption—Dover & Rockaway River Railroad, Belvidere & Delaware River Railway, & Black River & Western Corp.*, Docket No. FD 36125, in which Kean Burenga (Burenga) seeks Board approval to continue in control of DRRR upon DRRR's becoming a Class III rail carrier.

DRRR states that it will interchange with Norfolk Southern Railway Company at Chester Jct. (also known as Lake Jct.) and D&R Jct. The rail lines are currently managed and operated by Morristown & Erie Railway, Inc. (ME). According to DRRR, ME's lease will expire on June 30, 2017.¹

The transaction may be consummated on or after July 2, 2017, the effective date of the exemption (30 days after the verified notice was filed).²

DRRR certifies that, as a result of this transaction, its projected revenues will not exceed those that would qualify it as a Class III rail carrier and will not exceed \$5 million. DRRR certifies also that the agreement does not involve an interchange commitment.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the

¹ To date, ME has not sought authority to discontinue service.

² On June 5, 2017, DRRR and Burenga jointly requested that the effective date of the exemption be advanced one day, to July 1, 2017. This request will be addressed in a separate decision.

exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than June 23, 2017 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36124, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, a copy must be served on Eric M. Hocky, Clark Hill, PLC, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

Board decisions and notices are available on our Web site at WWW.STB.GOV.

Decided: June 13, 2017.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Kenyatta Clay,
Clearance Clerk.

[FR Doc. 2017-12535 Filed 6-15-17; 8:45 am]

BILLING CODE 4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36122]

The Athens Line, LLC—Acquisition and Operation Exemption—Rail Line of Norfolk Southern Railway Company and Central of Georgia Railroad Company

The Athens Line, LLC (Athens), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from Central of Georgia Railroad Company (CGA) and CGA's parent company, Norfolk Southern Railway Company (NSR), and to operate, approximately 38 miles of adjoining rail lines pursuant to a purchase and sale agreement. The lines extend (1) between CGA milepost F-75.5 at Madison, Ga., and CGA milepost F-106.3 at Athens, Ga.,¹ and (2) between NSR milepost NE-39.1 at Athens and NSR milepost NE-32.0 at a point designated as Junior State, Ga.²

¹ CGA was authorized to discontinue service over a 16-mile portion of the line between milepost F-75.5 near Madison and milepost F-91.5 at Bishop, Ga., in 1988. *Cent. of Ga. R.R.—Discontinuance Exemption—Operations Between Madison & Bishop, Ga.*, AB 290 (Sub-No. 37X) (ICC served Nov. 3, 1988). Athens states that it intends to rehabilitate the line between those mileposts, and that if required, it will seek authority to reactivate service over such tracks.

² Athens was authorized to acquire by lease and to operate the lines in 2001, see *The Athens Lines, LLC—Lease & Operation Exemption—Norfolk Southern Railway*, FD 34118 (STB served Dec. 27, 2001).

Athens states that the proposed transaction does not involve any provision or agreement that may limit future interchange commitments. Athens certifies that its projected annual revenues would not exceed those that would qualify it as a Class III rail carrier and that its projected annual revenues will not exceed \$5 million.

The transaction may be consummated on or after June 30, 2017, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than June 23, 2017 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36122, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on applicant's representative, Richard H. Streeter, Law Office of Richard H. Streeter, 5255 Partridge Lane NW., Washington, DC 20016.

According to Athens, this action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available on our Web site at WWW.STB.GOV.

Decided: June 13, 2017.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Raina S. Contee,
Clearance Clerk.

[FR Doc. 2017-12560 Filed 6-15-17; 8:45 am]

BILLING CODE 4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36121]

Progressive Rail Incorporated— Continuance in Control Exemption— Piedmont and Northern Railroad LLC

Progressive Rail Incorporated (PGR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control of Piedmont and Northern Railroad LLC (PDMT), upon PDMT's becoming a Class III rail carrier.

This transaction is related to a concurrently filed verified notice of exemption in *Piedmont & Northern Railroad—Change in Operator*

Exemption—Piedmont Railway, Docket No. FD 36120. In that proceeding, PDMT seeks an exemption under 49 CFR 1150.31 to assume operations over approximately 13.04 miles of rail line between Mt. Holly and Gastonia (including the Belmont spur between Mt. Holly and Belmont), in Gaston County, N.C.

The earliest this transaction may be consummated is July 1, 2017, the effective date of the exemption (30 days after the verified notice was filed). PGR states that it intends to consummate the transaction on July 1, 2017.

PGR will continue in control of PDMT upon PDMT's becoming a Class III rail carrier, and remains in control of Class III carriers Airlake Terminal Railway Company, LLC, Central Midland Railway Company, Iowa Traction Railway Company, and Iowa Southern Railway Company.

PGR certifies that: (1) The rail line to be operated by PDMT does not connect with any other railroads in the PGR corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect this line with any other railroad in the PGR corporate family; and (3) the transaction does not involve a Class I rail carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here because all of the carriers involved are Class III carriers.

If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than June 23, 2017 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36121, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Michael J. Barron, Jr., Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606.

Board decisions and notices are available on our Web site at WWW.STB.GOV.

Decided: June 13, 2017.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Raina S. Contee,
Clearance Clerk,

[FR Doc. 2017-12559 Filed 6-15-17; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of actions on special permit applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before July 17, 2017.

ADDRESSES: Send comments to—Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT:

Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-30, 1200 New Jersey Avenue SE., Washington, DC 20590-0001, (202) 366-4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East

Building, PHH-30, 1200 New Jersey Avenue SE., Washington, DC or at <http://regulations.gov>.

This notice of receipt of applications for special permit is published in

accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on May 25, 2017.

Donald Burger,
Chief, Office of the Special Permits and Approvals.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
MODIFICATION SPECIAL PERMITS				
9649-M		Alliant Techsystems Operations LLC.	172.101	To modify the special permit to add UN0470, articles, explosive, n.o.s. as an authorized hazardous material.
14392-M		Department Of Defense (Military Surface Deployment & Distribution Command).	172.101, 176.83, 176.136, 176.144.	To authorize the addition of several more ships to the preposition ship fleet which allows for stowage of Class I explosive materials below deck with an alternative container stowage configuration.
14453-M		FIBA Technologies, Inc.	180.209(a), 180.209(b), 180.209(b)(1)(iv).	To modify the special permit to clarify the requirements for the 5-year external visual inspections and the persons authorized to perform them.
15146-M		Starco Enterprises, Inc. ..	173.304(d)	To modify the special permit to authorize additional 2.1 hazmat.
20400-N		BIC USA Inc.	173.308(c)(2)	To authorize the transportation in commerce of lighters in alternative packaging by private or contract motor carrier, or by common carrier in a motor vehicle under exclusive use, between manufacturing sites, distribution centers and retail outlets.
20404-N		Rotech Healthcare Inc. ..	180.209(a), 180.209(b)(1), 180.209(b)(1)(iv).	To authorize the transportation in commerce of certain hazardous materials in DOT Specification 3AL cylinders that are requalified every ten years rather than every five years using 100% ultrasonic examination.
20409-N		IKI Manufacturing Co., Inc.	173.306(a)(5)	To authorize the transportation in commerce of plastic aerosols classed as Division 2.1 for the purposes of testing and disposal.
20427-N		Space Systems/Loral, LLC.	173.220	To authorize the transportation in commerce of machinery containing more than 500 ml of fuel.
20436-N		Mistwood Aviation Services LLC.		Applicant was trying to apply for party status to DOT-SP 10996.
20439-N		Total Feuerschutz	173.309(c)	To authorize the transportation in commerce of fire extinguishers which do not have the "MEETS DOT REQUIREMENTS" label on them.
20444-N		Wiretough Cylinders, LLC.	173.302(a)	To authorize the manufacture, mark, sale, and use of non-DOT specification meeting the requirements of ISO 11119-1 except as specified herein.
20446-N		The CI Thornburg Co Inc		Applicant was trying to apply for DOT-SP12412.
20447-N		Wesmar Company, Inc.		Applicant was trying to apply for DOT-SP12412.
20448-N		Korean Airlines Co., Ltd	172.204(c)(2), 175.30(a)(1), 173.27(b)(2), 173.27(b)(3).	To authorize the transportation in commerce of certain explosives which are forbidden for transport by cargo only aircraft.
20449-N		Atlas Air, Inc	172.204(c)(3), 172.204(c)(3), 175.30(a)(1), 173.27(b)(2), 173.27(b)(3).	To authorize the transportation in commerce of explosives by cargo only aircraft in amounts forbidden by the regulations.
20457-N		Korean Airlines Co., Ltd	172.204(c)(3), 172.204(c)(3), 175.30(a)(1), 173.27(b)(2), 173.27(b)(3).	To authorize the transportation in commerce of certain explosives which are forbidden for transport by cargo only aircraft.

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of actions on special permit applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation’s Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is

requested is indicated by a number in the “Nature of Application” portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before July 17, 2017.

ADDRESSES: Send comments to—Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and

Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue SE., Washington, DC or at <http://regulations.gov>.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on May 25, 2017.

Donald Burger,
Chief, Office of the Special Permits and Approvals.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
Modification Special Permits				
9649–M	Alliant Techsystems Operations LLC.	172.101	To modify the special permit to add UN0470, articles, explosive, n.o.s. as an authorized hazardous material.
14392–M	Department of Defense (Military Surface Deployment & Distribution Command).	172.101, 176.83, 176.136, 176.144.	To authorize the addition of several more ships to the preposition ship fleet which allows for stowage of Class I explosive materials below deck with an alternative container stowage configuration.
14453–M	FIBA Technologies, Inc ..	180.209(a), 180.209(b), 180.209(b)(1)(iv).	To modify the special permit to clarify the requirements for the 5-year external visual inspections and the persons authorized to perform them.
15146–M	Starco Enterprises, Inc ...	173.304(d)	To modify the special permit to authorize additional 2.1 hazmat.
20400–N	BIC USA Inc	173.308(c)(2)	To authorize the transportation in commerce of lighters in alternative packaging by private or contract motor carrier, or by common carrier in a motor vehicle under exclusive use, between manufacturing sites, distribution centers and retail outlets.
20404–N	Rotech Healthcare Inc ...	180.209(a), 180.209(b)(1), 180.209(b)(1)(iv).	To authorize the transportation in commerce of certain hazardous materials in DOT Specification 3AL cylinders that are requalified every ten years rather than every five years using 100% ultrasonic examination.
20409–N	IKI Manufacturing Co., Inc.	173.306(a)(5)	To authorize the transportation in commerce of plastic aerosols classed as Division 2.1 for the purposes of testing and disposal.
20427–N	Space Systems/Loral, LLC.	173.220	To authorize the transportation in commerce of machinery containing more than 500 ml of fuel.
20436–N	Mistwood Aviation Services LLC.	.....	Applicant was trying to apply for party status to DOT–SP 10996.
20439–N	Total Feuerschutz	173.309(c)	To authorize the transportation in commerce of fire extinguishers which do not have the “MEETS DOT REQUIREMENTS” label on them.
20444–N	Wiretough Cylinders, LLC.	173.302(a)	To authorize the manufacture, mark, sale, and use of non-DOT specification meeting the requirements of ISO 11119–1 except as specified herein.
20446–N	The CI Thornburg Co Inc	.....	Applicant was trying to apply for DOT–SP12412.
20447–N	Wesmar Company, Inc ..	.....	Applicant was trying to apply for DOT–SP12412.
20448–N	Korean Airlines Co., Ltd	172.204(c)(2), 175.30(a)(1), 173.27(b)(2), 173.27(b)(3).	To authorize the transportation in commerce of certain explosives which are forbidden for transport by cargo only aircraft.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
20449-N	Atlas Air, Inc	172.204(c)(3), 172.204(c)(3), 175.30(a)(1), 173.27(b)(2), 173.27(b)(3).	To authorize the transportation in commerce of explosives by cargo only aircraft in amounts forbidden by the regulations.
20457-N	Korean Airlines Co., Ltd	172.204(c)(3), 172.204(c)(3), 175.30(a)(1), 173.27(b)(2), 173.27(b)(3).	To authorize the transportation in commerce of certain explosives which are forbidden for transport by cargo only aircraft.

[FR Doc. 2017-11343 Filed 6-15-17; 8:45 am]
BILLING CODE 4909-60-M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for modification of special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety

has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before July 3, 2017.

ADDRESSES: Send comments to—Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of

Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-30, 1200 New Jersey Avenue SE., Washington, DC 20590-0001, (202) 366-4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH-30, 1200 New Jersey Avenue SE., Washington, DC or at <http://regulations.gov>.

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on May 25, 2017.

Donald Burger,
Chief, Office of the Special Permits and Approvals.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
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Special Permits Data

5749-M	Chemours Company FC LLC.	173.315(a)	To modify the special permit to authorize the modification of an MC-331 cargo tank by adding a rupture disk under the relief valve on the liquid load line. (mode 1).
9168-M .....	.....	Berlin Packaging L.L.C ..	173.13(a), 173.13(b), (c)(1)(ii), (c)(1)(iv), (c)(2)(iii).	To modify the special permit to remove the requirement to use an intermediate metal can for inner receptacles containing solid hazardous materials (modes 1, 2, 4, 5).
9649-M .....	.....	Department of Defense (Military Surface Deployment & Distribution Command).	172.203(d)(3), 172.203(d)(5), 172.300(a), 172.301(d), 172.310(a), 172.310(b), 172.310(c), 172.403(a), 172.403(b), 172.403(c), 172.403(f), 172.403(g)(2), 172.403(g)(3), 172.406(e), 173.422(a)(1), 173.426(b), 173.426(c), 173.426(d), 173.421(b), 173.421(d).	To modify the special permit to authorize an additional 1.3C explosive. (modes 1, 2, 3).
11911-M .....	.....	Transfer Flow, Inc	177.834(h), 178.700(c)(1).	To modify the special permit to authorize an additional fuel type. (mode 1).

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
12187-M		ITW Sexton Inc	173.304a(a)	To modify the special permit to authorize an additional 2.2 gas. (modes 1, 2, 3, 4).
13220-M		Entegris, Inc	173.192, 173.302(a), 173.304(a).	To modify the special permit to remove unauthorized hazmat due to new regulatory changes. (mode 1).
14578-M		Nantong CIMC Tank Equipment Co., LTD.	178.274(b), 178.274(b), 178.276(a)(2), 178.276(b)(1).	To modify the special permit to incorporate the international name and UN number for ammonia and to authorize an increase in the max capacity of portable tanks with 40' ISO frames. (modes 1, 3).
14924-M		Demex International, Inc	176.116(e), 176.116(e), 176.178(b), 176.120, 176.137(a)(7), 176.138(b), 176.164(e), 176.144(e).	To modify the special permit to authorize an additional material. (mode 3).
15136-M		Luxfer Inc	173.302a	To modify the special permit to authorize pneumatic proof pressure testing for periodic requalification. (modes 1, 2, 3, 4).
15867-M		FIBA Technologies, Inc	180.501(b), 180.505, 180.509(d)(1), 180.509(f)(1), 180.519(a), 180.519(b).	To modify the special permit to authorize individual tubes in a bundle to be equipped with pressure relief devices, remove invalid CGA C-23 references to 107A tubes, and to clarify test procedures and subsequent tube marking. (mode 1).
15991-M		Dockweiler AG	178.50(d)(1), 178.50(d)(2).	To modify the special permit by updating the drawings and specifications of the authorized non-DOT specification cylinders conforming to DOT Specification 48. (modes 1, 2, 3, 4, 5).
16231-M		Thales Alenia Space	172.101(j), 173.301(f), 173.302a(a)(1), 173.304a(a)(2).	To modify the special permit to authorize an additional Class 1.45 explosive. (modes 1, 3, 4).
16490-M		Demex International, Inc	176.63, 176.83, 176.116(e), 176.120, 176.137(a)(7), 176.138(b), 176.144(e), 176.145(b).	To modify the special permit to authorize an additional material. (mode 3).
20292-M		Nuance Systems LLC	173.181, 173.187, 173.201, 173.211, 173.302(a).	To modify the special permit to authorize an additional cylinder design. (modes 1, 2, 3).
20306-M		Avantor Performance Materials International, Inc.	173.158(e)	To modify the special permit to authorize a change in the minimum thickness of the interior polyvinyl chloride liner coating and to authorize an additional packing for transport. (modes 1, 2, 3).
20325-M		Samsung Electronics America, Inc.	172.200, 172.300, 172.500, 172.600, 172.700(a), 173.185(f).	To modify the special permit that was originally issued as an emergency to a permanent permit which authorizes transportation in commerce of damaged or defective lithium batteries contained in equipment. (modes 1, 2, 3).
20336-M		Geotek Coring Inc	173.3(d)	To modify the special permit from an emergency special permit to a routine special permit. (modes 1, 3).
20351-M		Roeder Cartage Company, Incorporated.	180.407(c), 180.407(e), 180.407(f).	To modify the special permit to authorize additional trailers to transport stabilized acrylonitrile. (mode 1).
20390-M		American Security Cabinets Inc.	171.180	To modify the special permit from an emergency special permit to a routine special permit. (modes 1, 2).

[FR Doc. 2017-11345 Filed 6-15-17; 8:45 am]

BILLING CODE 4909-60-P

DEPARTMENT OF TRANSPORTATION**Office of the Secretary****[Docket No. DOT-OST-2017-0027]****Agency Information Collection****Activities: Request for Comments of a Previously Approved Information Collection: Procedures for Transportation Drug and Alcohol Testing Programs****ACTION:** Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request abstracted below is being forwarded to the Office of Management and Budget for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on renewing the same information collection was published on March 15, 2017 [82 FR 13924]. There were no comments to the docket.

DATES: Comments must be submitted on or before July 17, 2017.

ADDRESSES: Send comments regarding the proposed information collection, including burden estimate, and suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of the U.S. Department of Transportation, 725 17th Street NW., Washington, DC 20503; fax: 202-395-5806, or via electronic mail to OIRA_Submission@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Bohdan Baczara, Office of Drug and Alcohol Policy and Compliance, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W62-300, Washington, DC 20590; 202-366-3784 (voice), 202-366-3897 (fax), or bohdan.baczara@dot.gov (email).

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2105-0529.

Title: Procedures for Transportation Drug and Alcohol Testing Programs.

Type of Request: Renewal of a Previously Approved Information Collection.

Background: Under the Omnibus Transportation Employee Testing Act of 1991, DOT is required to implement a drug and alcohol testing program in various transportation-related industries. This specific requirement is elaborated in 49 CFR part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs. This request for a renewal of the information collection for the program includes 43 burden items

among which are the U.S. Department of Transportation Alcohol Testing Form (ATF) and the DOT Drug and Alcohol Testing Management Information System (MIS) Data Collection Form.

The ATF includes the employee's name, the type of test taken, the date of the test, and the name of the employer. The ATF is essential to the alcohol testing program. Data on each test conducted, including test results, are necessary to document tests conducted and actions taken to ensure safety in the workplace.

The MIS form includes employer specific drug and alcohol testing information such as the reason for the test and the cumulative number of positive, negative and refusal test results. The MIS data is used by each of the affected DOT Agencies (*i.e.*, Federal Aviation Administration, Federal Transit Administration, Federal Railroad Administration, Federal Motor Carrier Safety Administration, and the Pipeline and Hazardous Materials Safety Administration) and the United States Coast Guard when calculating their random testing rates.

Estimated Number of Respondents: The information will be used by transportation employers, Department representatives, and a variety of service agents. Estimated total number of respondents is 3,034,690.

Estimated Number of Responses: 7,221,367.

Frequency: The information will be collected annually.

Annual Estimated Total Number Burden Hours: 748,196.

Discussion of Comments to the Docket

There were no comments to the docket.

Public Comments Invited

You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (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 the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued in Washington, DC, on June 7, 2017.

Habib Azarsina,

OST Privacy and PRA Officer.

[FR Doc. 2017-12509 Filed 6-15-17; 8:45 am]

BILLING CODE 4910-9X-P

DEPARTMENT OF THE TREASURY**Office of Foreign Assets Control****Sanctions Action Pursuant to an Executive Order Issued on September 23, 2001, Titled "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism"**

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the name of one individual that has been placed on OFAC's Specially Designated Nationals and Blocked Persons (SDN) List whose property and interests in property are blocked pursuant to an executive order issued on September 23, 2001, titled "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism."

DATES: OFAC's action described in this notice was effective on June 12, 2017.

FOR FURTHER INFORMATION CONTACT: Associate Director for Global Targeting, tel.: 202-622-2420, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490, Assistant Director for Licensing, tel.: 202-622-2480, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622-2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

SUPPLEMENTARY INFORMATION:**Electronic Availability**

The SDN List and additional information concerning OFAC sanctions programs are available from OFAC's Web site (www.treas.gov/ofac).

Notice of OFAC Actions

On June 12, 2017, OFAC blocked the property and interests in property of the following one individual pursuant to E.O. 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism" (E.O. 13224):

Individual

1. AL-JABURI, Attallah Salman 'Abd Kafi (a.k.a. AL JABURI, Atallah Salman

Kafi; a.k.a. ALAKT, Ataullah Salman; a.k.a. AL-JABURI, 'Atallah Salman Kafi; a.k.a. AL-JABURI, 'Attallah Salman 'Abd al-Kafi; a.k.a. AL-KAFI, 'Attallah Salman 'Abd; a.k.a. KAFI, 'Ataalla Salman 'Abd; a.k.a. KAFI, 'Ataallah Salman; a.k.a. KAFI, Atallah Salman Abd; a.k.a. "ABU HAQI"), Hawi al-Arishah Village, Hawijah District, Kirkuk Province, Iraq; Hawijah District, Kirkuk Province, Iraq; Rumanah Village, Kirkuk Province, Iraq; DOB 01 Jan 1973; POB Iraq; citizen Iraq; Gender Male (individual) [SDGT] (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT). Designated pursuant to section 1(c) of E.O. 13224 for acting for or on behalf of the Islamic State of Iraq and Levant (ISIL), an entity designated pursuant to E.O. 13224. Also designated pursuant to section 1(d)(i) of E.O. 13224 for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, ISIL.

Dated: June 12, 2017.

Andrea Gacki,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2017-12472 Filed 6-15-17; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0222]

Agency Information Collection Activities; Withdrawal

AGENCY: National Cemetery Administration, Department of Veterans Affairs.

ACTION: Notice; correction.

SUMMARY: On Wednesday, May 17, 2017 the Department of Veterans Affairs (VA) published an information collection notice, entitled Claim for Standard Government Headstone or Marker and Claim for Government Medallion for Placement in a Private Cemetery in the **Federal Register** that contained a 30-day public comment period. This document withdraws that notice.

DATES: The notice published May 17, 2017, at 82 FR 22724 is hereby withdrawn as of June 16, 2017.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, at 202-461-5870.

SUPPLEMENTARY INFORMATION: The Department of Veterans Affairs wishes to inform the public it is withdrawing FR Doc. 2017-09946, published on Wednesday, May 17, 2017, 82 FR 22724. This notice was published in error, which produced a premature end date of June 16, 2017 for public comments. A revised 30-day **Federal Register** Notice for 2900-0222 has been submitted for publication, with the appropriate end date in July 2017.

Dated: June 12, 2017.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Enterprise Records Service, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2017-12401 Filed 6-15-17; 8:45 am]

BILLING CODE 8320-01-P



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Part II

Department of Transportation

Federal Motor Carrier Safety Administration

49 CFR Part 390

Lease and Interchange of Vehicles; Motor Carriers of Passengers; Final Rule and Proposed Rule

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration****49 CFR Part 390**

[Docket No. FMCSA–2012–0103]

RIN 2126–AC04

Lease and Interchange of Vehicles; Motor Carriers of Passengers**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.**ACTION:** Final rule; extension of compliance date.

SUMMARY: FMCSA extends by one year the compliance date of the regulations established in the final rule on lease and interchange of passenger-carrying commercial motor vehicles (CMVs) published on May 27, 2015, and effective on July 27, 2015. The new compliance date is January 1, 2019. The Agency received numerous petitions for reconsideration of the final rule and extended the original January 1, 2017, compliance date to January 1, 2018, to provide time to address the issues raised by the petitioners. As a result of a public meeting with representatives of the passenger carrier industry in October 2016 and further analysis of the petitions for reconsideration, the Agency is extending the compliance date by an additional twelve months to allow time to revise the regulations, while ensuring that carriers have ample time to adjust to the requirements of the revisions. This decision is explained in more detail in a notice of intent published elsewhere in this issue of the **Federal Register**.

DATES:

Effective date: June 16, 2017 until January 1, 2019.

Compliance date: The compliance date for the requirements in subpart F to 49 CFR part 390 (§§ 390.301, 390.303, and 390.305) is extended until January 1, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Loretta G. Bitner, (202) 366–2400, loretta.bitner@dot.gov, Office of Enforcement and Compliance. FMCSA office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:**I. Background**

On May 27, 2015, FMCSA published a final rule entitled “Lease and Interchange of Vehicles; Motor Carriers of Passengers” (80 FR 30164), and effective on July 27, 2015. The American Bus Association (ABA) and

the United Motorcoach Association (UMA) filed a joint request to extend the 30-day deadline to submit petitions for reconsideration. On July 1, 2015, the Agency published a document extending that deadline until August 25, 2015 (80 FR 37553). The Agency received 37 petitions for reconsideration, which are filed in the public docket referenced above. After the initial review of these submissions, FMCSA held a public meeting on October 28, 2015, with a cross section of the petitioners to discuss their concerns and to gather additional details about their specific operations. Attending were representatives of small and large bus companies and charter and regular-route operators from across the nation. Two insurance company representatives were also invited and attended because of liability concerns raised in the petitions for reconsideration. Based on these discussions, and after further analysis, FMCSA concluded that some aspects of the petitions for reconsideration have merit. The Agency, therefore, extended the compliance date to January 1, 2018, to allay stakeholder concerns that there would not be sufficient time to adjust passenger carrier operations before compliance with the regulations was required (81 FR 13998; March 16, 2016). After further review of the petitions, the Agency announced on August 31, 2016, that it intended to consider changes to four aspects of the regulations, but it also denied requests to reconsider other issues raised by petitioners of the rule (81 FR 59951). The August 31 document announced that a public roundtable would be held to discuss the four issues that could be addressed by rulemaking. The roundtable was held on October 31, 2016. FMCSA has also published a document elsewhere in this issue of the **Federal Register** announcing its intent to revise the regulations established by the 2015 final rule. In order to allow time for completion of those revisions, while giving motor carriers sufficient time to comply with the revised requirements, the Agency is extending the compliance date by one year, to January 1, 2019. The temporary section added to subpart F of 49 CFR part 390 when the previous extension of the compliance date was issued, is being updated to include the new compliance date. The temporary section continues to be in effect only from June 16, 2017 through January 1, 2019.

II. Regulatory Analyses*A. Regulatory Planning and Review*

FMCSA has determined that this action is a non-significant regulatory

action under Executive Order 12866, as supplemented by Executive Order 13563 (76 FR 3821, January 18, 2011), and DOT regulatory policies and procedures (44 FR 1103, February 26, 1979). The final rule issued in May, 2015, was non-significant; this postponement of the compliance date does not change that designation. This rule has not been reviewed formally by the Office of Management and Budget (OMB).

B. Regulatory Flexibility Act

Section 603 of the Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857, March 29, 1996) and the Small Business Jobs Act of 2010 (Pub. L. 111–240, September 27, 2010), requires FMCSA to perform a detailed analysis of the potential impact of the final rule on small entities. Accordingly, DOT policy requires that agencies shall strive to lessen any adverse effects on these businesses and other entities. The Final Regulatory Flexibility Analysis conducted as part of the May 27, 2015, final rule continues to be applicable to this final rule.

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 rule so that they can better evaluate its effects on themselves. If the 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, Loretta G. Bitner, listed in the **FOR FURTHER INFORMATION CONTACT** section of this rule.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the SBA’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 ensuring the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

C. Federalism (Executive Order 13132)

A rule has federalism implications if it has a substantial direct effect on State

or local governments and would either preempt State law or impose a substantial direct cost of compliance on the States. FMCSA analyzed this rule under E.O. 13132 and has determined that it has no federalism implications.

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 a State, local, or tribal government, in the aggregate, or by the private sector, of \$156 million (which is the value equivalent of \$100,000,000 in 1995, adjusted for inflation to 2015 levels) or more in any one year.

E. Executive Order 12988 (Civil Justice Reform)

This final rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

F. Executive Order 13045 (Protection of Children)

FMCSA analyzed this action under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. The Agency has determined that this rule does not create an environmental risk to health or safety that would disproportionately affect children.

G. Executive Order 12630 (Taking of Private Property)

FMCSA reviewed this final rule in accordance with Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, and has determined it would not effect a taking of private property or otherwise have taking implications.

H. Privacy Impact Assessment

Section 522 of title I of division H of the Consolidated Appropriations Act, 2005, enacted December 8, 2004 (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. This final rule does not require the collection of any personally identifiable information.

The Privacy Act (5 U.S.C. 552a) applies only to Federal agencies and any non-Federal agency which receives records contained in a system of records

from a Federal agency for use in a matching program. FMCSA has determined this final rule does not result in a new or revised Privacy Act System of Records for FMCSA.

I. Executive Order 12372 (Intergovernmental Review)

The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

J. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information they conduct, sponsor, or require through regulations. On August 5, 2015, OMB approved the May 27, 2015, final rule's two information collections titled "Commercial Motor Vehicle Marking Requirements," OMB No. 2126–0054, and "Lease and Interchange of Motor Vehicles," OMB No. 2126–0056. OMB has set the dates for both of these information collections to expire on August 31, 2018. FMCSA will request extensions of those information collections as a result of this extension of the compliance date.

K. National Environmental Policy Act and Clean Air Act

FMCSA analyzed this final rule in accordance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*). The Agency has determined under its environmental procedures Order 5610.1, published March 1, 2004, in the **Federal Register** (69 FR 9680), that this action is categorically excluded from further environmental documentation under Appendix 2, Paragraphs y (2) and y (7) of the Order (69 FR 9702). These categorical exclusions relate to:

- y (2) Regulations implementing motor carrier identification and registration reports; and
- y (7) Regulations implementing prohibitions on motor carriers, agents, officers, representatives, and employees from making fraudulent or intentionally false statements on any application, certificate, report, or record required by FMCSA.

Thus, the final action will not require an environmental assessment or an environmental impact statement.

FMCSA also analyzed this final 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.

L. Executive Order 13211 (Energy Effects)

FMCSA has analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. The Agency has determined that it is not a "significant energy action" under that Executive Order because it is not economically significant and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

List of Subjects in 49 CFR Part 390

Highway safety, Intermodal transportation, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

The Final Rule

For the reasons stated in the preamble, FMCSA amends 49 CFR part 390 as follows:

PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL

- 1. The authority citation for part 390 is amended to read as follows:

Authority: 49 U.S.C. 504, 508, 31132, 31133, 31134, 31136, 31137, 31144, 31151, 31502; sec. 114, Pub. L. 103–311, 108 Stat. 1673, 1677–1678; sec. 212, 217, Pub. L. 106–159, 113 Stat. 1748, 1766, 1767; sec. 229, Pub. L. 106–159 (as transferred by sec. 4115 and amended by secs. 4130–4132, Pub. L. 109–59, 119 Stat. 1144, 1726, 1743–1744); sec. 4136, Pub. L. 109–59, 119 Stat. 1144, 1745; sections 32101(d) and 32934, Pub. L. 112–141, 126 Stat. 405, 778, 830; sec. 2, Pub. L. 113–125, 128 Stat. 1388; and 49 CFR 1.87.

- 2. Effective June 16, 2017 until January 1, 2019, revise § 390.300T to read as follows:

§ 390.300T Compliance date.

Motor carriers of passengers operating CMVs under a lease or interchange agreement are subject to §§ 390.301, 390.303, and 390.305 of this subpart on January 1, 2019.

Issued under the authority delegated in 49 CFR 1.87 on: May 17, 2017.

Daphne Y. Jefferson,
Deputy Administrator.

[FR Doc. 2017–12086 Filed 6–15–17; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration****49 CFR Part 390****[Docket No. FMCSA–2012–0103]****RIN 2126–AC04****Lease and Interchange of Vehicles; Motor Carriers of Passengers****AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.**ACTION:** Proposal in response to petitions for reconsideration; request for public comments.

SUMMARY: In response to petitions for reconsideration of the final rule on lease and interchange of passenger-carrying commercial motor vehicles (CMVs) published on May 27, 2015 and effective on July 27, 2015, FMCSA intends to revise the regulations to address “chartering” (subcontracting) and the 48-hour delay in preparing a lease. FMCSA is requesting public comment on the proposed responses to the petitions discussed below. In a final rule published elsewhere in this issue of the **Federal Register**, FMCSA extends the compliance date for the 2015 final rule from January 1, 2018, to January 1, 2019.

DATES: Comments on this document must be received on or before July 31, 2017.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2012–0103 using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* 1–202–493–2251.

- *Mail:* Docket Management Facility, U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

- *Hand Delivery or Courier:* U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5:00 p.m., e.t., Monday through Friday, except Federal holidays.

To avoid duplication, please use only one of these four methods.

FOR FURTHER INFORMATION CONTACT: Ms. Loretta G. Bitner, (202) 385–2428, loretta.bitner@dot.gov, Office of Enforcement and Compliance. FMCSA office hours are from 9 a.m. to 5 p.m. ET, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:**Submitting Comments**

If you submit a comment, please include the docket number for this notice (FMCSA–2012–0103), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and 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–2012–0103, 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.

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–2012–0103, 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 by visiting the Docket Management Facility in Room W12–140 on the ground floor of the 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.

Privacy Act

The Department of Transportation (DOT) solicits comments from the public to better inform its decision-making processes. 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.

Background

During certain investigations and driver/vehicle inspections, FMCSA encounters passenger-carrying vehicles and drivers that are rented, loaned, leased, interchanged, assigned, or reassigned with few records and little formality, thus obscuring the identity of the party responsible for operational safety of these vehicles. To improve the safety of the travelling public, FMCSA published a final rule on May 27, 2015, concerning the lease and interchange of passenger-carrying CMVs (80 FR 30164). The purpose of the rule is to identify the motor carrier operating a passenger-carrying CMV that is responsible for compliance with the Federal Motor Carrier Safety Regulations (FMCSRs) and ensure that a lessor surrenders control of the CMV for the full term of the lease or temporary exchange of CMV(s) and driver(s). The Agency received 37 petitions for reconsideration which have been filed in the public docket (Docket No. FMCSA–2012–0103). Upon review of these requests, FMCSA concluded that some have merit. FMCSA, therefore, extended the compliance date of the final rule from January 1, 2017, to January 1, 2018 (82 FR 13998; March 16, 2016) to allow the Agency time to complete its analysis and amend the rule where necessary. After further review of the petitions, the Agency announced on August 31, 2016, that it intended to consider changes to four aspects of the final rule and denied requests to reconsider other features of the rule (81 FR 59951). The August 31 notice announced that a public roundtable would be held to discuss the four issues to be addressed by rulemaking. The roundtable was held on October 31, 2016.

The petitions for reconsideration generally argued that FMCSA had taken a regulatory scheme from the trucking industry and applied it to the bus industry, which has an entirely different operating structure and liability regime. Moreover, the petitioners contend that application of these trucking regulations to the bus industry offers no additional protection to the public from illegal or unsafe bus operators. Instead, petitioners contend that the final rule simply adds administrative costs and reduces operational flexibility for bus operators.

The most significant objection raised at the roundtable and by petitioners was that the 2015 final rule treated “chartering” (subcontracting) as equivalent to leasing. Petitioners contend that passenger carriers with FMCSA-issued active passenger carrier “operating authority” registration (as

defined in 49 CFR 390.5) [hereafter abbreviated simply as “operating authority”] have long subcontracted work to other carriers with operating authority to handle demand surges, emergencies, or events that require more than their own available capacity. Petitioners indicated that subcontractors with their own operating authority have traditionally assumed responsibility for their own vehicles and drivers. Under the 2015 rule, however, a passenger carrier that subcontracted work to a second carrier would be responsible for the second carrier’s regulatory compliance. Petitioners claimed that making a carrier responsible for the

subcontractor’s vehicles, drivers, and liability would make most short-term subcontracts impossible.

FMCSA believes that less burdensome regulatory requirements should be considered. Subjecting passenger carriers with operating authority to the full requirements of the leasing rule is not necessary. The Agency, therefore, intends to revise subpart F of 49 CFR part 390 to exclude “chartering” from the leasing requirements of that rule.

The revisions would also extend the emergency 48-hour delay in preparing a lease authorized by 49 CFR 390.303(a)(2) and remove the requirement that passengers actually be

on board a bus when the exemption occurs.

FMCSA believes the changes mentioned above would enable the Agency to enhance its safety oversight of passenger carrier operations while implementing a less costly regulatory approach. The changes would be consistent with the intent of the 2015 final rule.

Issued under the authority delegated in 49 CFR 1.87 on: May 17, 2017.

Daphne Y. Jefferson,

Deputy Administrator.

[FR Doc. 2017-12085 Filed 6-15-17; 8:45 am]

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