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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2017–0089]

RIN 3150–AK03

List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM Flood/Wind Multipurpose Canister Storage System, Certificate of Compliance No. 1032, Amendment No. 3

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its spent fuel storage regulations by revising the Holtec International (Holtec) HI–STORM Flood/Wind (FW) Multipurpose Canister (MPC) Storage System listing within the ''List of Approved Spent Fuel Storage Casks'' to include Amendment No. 3 to Certificate of Compliance (CoC) No. 1032. Amendment No. 3 revises authorized contents to allow burnup credit for fuel types in the MPC–37 and revises CoC Condition 8, which has been previously incorporated in Amendment No. 2 to CoC No. 1032.

DATES: This direct final rule is effective September 11, 2017, unless significant adverse comments are received by July 28, 2017. If the direct final rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published in the **Federal Register**. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date. Comments received on this direct final rule will also be considered to be comments on a companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0089. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For technical questions contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: Rulemaking.Comments@nrc.gov*. If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Vanessa Cox, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–8342; email: *Vanessa.Cox@nrc.gov*.

SUPPLEMENTARY INFORMATION:

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I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0089 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0089.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2017–0089 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment

submissions available to the public or entering the comment into ADAMS.

II. Rulemaking Procedure

This rule is limited to the changes contained in Amendment No. 3 to CoC No. 1032 and does not include other aspects of the Holtec HI–STORM FW MPC Storage System design. The NRC is using the ''direct final rule procedure'' to issue this amendment because it represents a limited and routine change to an existing CoC that is expected to be noncontroversial. Adequate protection of public health and safety continues to be ensured. The amendment to the rule will become effective on September 11, 2017. However, if the NRC receives significant adverse comments on this direct final rule by July 28, 2017, then the NRC will publish a document that withdraws this action and will subsequently address the comments received in a final rule as a response to the companion proposed rule published in the Proposed Rule section of this issue of the **Federal Register**. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC staff to make a change (other than editorial) to the rule, CoC, or Technical Specifications (TSs).

For detailed instructions on filing comments, please see the companion proposed rule published in the Proposed Rule section of this issue of the **Federal Register**.

III. Background

Section 218(a) of the Nuclear Waste Policy Act (NWPA) of 1982, as amended, requires that ''the Secretary [of the Department of Energy] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.'' Section 133 of the NWPA states, in part, that ''[the Commission] shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 219(a) [sic: 218(a)] for use at the site of any civilian nuclear power reactor.''

To implement this mandate, the Commission approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule which added a new subpart K in part 72 of title 10 of the *Code of Federal Regulations* (10 CFR) entitled, ''General License for Storage of Spent Fuel at Power Reactor Sites'' (55 FR 29181; July 18, 1990). This rule also established a new subpart L in 10 CFR part 72 entitled, ''Approval of Spent Fuel Storage Casks,'' which contains procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a final rule on March 28, 2011 (76 FR 17019), that approved the Holtec HI–STORM FW MPC Storage System design and added it to the list of NRC-approved cask designs in 10 CFR 72.214 as CoC No. 1032.

IV. Discussion of Changes

By letter dated December 18, 2015, Holtec submitted a request to the NRC to amend CoC No. 1032. Holtec modified its request on April 22, 2016, and supplemented it on June 22, 2016, and August 22, 2016. The amendment revises authorized contents to allow burnup credit for fuel types in the MPC–37 and revises CoC Condition 8, which has been previously incorporated in Amendment No. 2 to CoC No. 1032.

As documented in the Preliminary Safety Evaluation Report (PSER), the NRC staff performed a detailed safety evaluation of the proposed CoC amendment request. There are no significant changes to cask design requirements in the proposed CoC amendment. Considering the specific design requirements for each accident condition, the design of the cask would prevent loss of containment, shielding, and criticality control in the event of an accident. If there is no loss of containment, shielding, or criticality control, the environmental impacts resulting from an accident would be insignificant. This amendment does not reflect a significant change in design or fabrication of the cask. In addition, any resulting occupational exposure or offsite dose rates from the implementation of Amendment No. 3 would remain well within the 10 CFR part 20 limits. Therefore, the proposed CoC changes will not result in any radiological or non-radiological environmental impacts that significantly differ from the environmental impacts evaluated in the environmental assessment supporting the March 28, 2011, final rule. There will be no significant change in the types or significant revisions in the amounts of any effluent released, no significant increase in the individual or cumulative radiation exposure, and no significant increase in the potential for or consequences from radiological accidents.

This direct final rule revises the Holtec HI–STORM FW MPC Storage System listing in 10 CFR 72.214 by adding Amendment No. 3 to CoC No. 1032. The amendment consists of the changes previously described, as set forth in the revised CoC and TSs. The revised TSs are identified in the PSER.

The amended Holtec HI–STORM FW MPC Storage System design, when used under the conditions specified in the CoC, the TSs, and the NRC's regulations, will meet the requirements of 10 CFR part 72; therefore, adequate protection of public health and safety will continue to be ensured. When this direct final rule becomes effective, persons who hold a general license under 10 CFR 72.210 may load spent nuclear fuel into Holtec HI–STORM FW MPC Storage System casks that meet the criteria of Amendment No. 3 to CoC No. 1032 under 10 CFR 72.212.

V. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this direct final rule, the NRC will revise the Holtec HI–STORM FW MPC Storage System design listed in 10 CFR 72.214. This action does not constitute the establishment of a

standard that contains generally applicable requirements.

VI. Agreement State Compatibility

Under the ''Policy Statement on Adequacy and Compatibility of Agreement State Programs'' approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997 (62 FR 46517), this rule is classified as Compatibility Category ''NRC.'' Compatibility is not required for Category ''NRC'' regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended, or the provisions of 10 CFR. Although an Agreement State may not adopt program elements reserved to the NRC, and a Category ''NRC'' does not confer regulatory authority on the State, the State may wish to inform its licensees of certain requirements by means consistent with the particular State's administrative procedure laws.

VII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31883).

VIII. Environmental Assessment and Finding of No Significant Environmental Impact

A. The Action

The action is to amend 10 CFR 72.214 to revise the Holtec HI–STORM FW MPC Storage System listing within the ''List of Approved Spent Fuel Storage Casks'' to include Amendment No. 3 to CoC No. 1032. Under the National Environmental Policy Act of 1969, as amended, and the NRC's regulations in subpart A of 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' the NRC has determined that this direct final rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The NRC has made a finding of no significant impact on the basis of this environmental assessment.

B. The Need for the Action

This direct final rule amends the CoC for the Holtec HI–STORM FW MPC Storage System design within the list of approved spent fuel storage casks that power reactor licensees can use to store spent fuel at reactor sites under a general license. Specifically, Amendment No. 3 revises authorized contents to allow burnup credit for fuel types in the MPC–37 and revises CoC Condition 8, which has been previously incorporated in Amendment No. 2 to CoC No. 1032.

C. Environmental Impacts of the Action

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent fuel under a general license in cask designs approved by the NRC. The potential environmental impact of using NRC-approved storage casks was initially analyzed in the environmental assessment for the 1990 final rule. The environmental assessment for this Amendment No. 3 tiers off of the environmental assessment for the July 18, 1990, final rule. Tiering on past environmental assessments is a standard process under the National Environmental Policy Act.

Holtec HI–STORM FW MPC Storage System casks are designed to mitigate the effects of design basis accidents that could occur during storage. Design basis accidents account for human-induced events and the most severe natural phenomena reported for the site and surrounding area. Postulated accidents analyzed for an Independent Spent Fuel Storage Installation, the type of facility at which a holder of a power reactor operating license would store spent fuel in casks in accordance with 10 CFR part 72, include tornado winds and tornado-generated missiles, a design basis earthquake, a design basis flood, an accidental cask drop, lightning effects, fire, explosions, and other incidents.

Considering the specific design requirements for each accident condition, the design of the cask would prevent loss of confinement, shielding, and criticality control. If there is no loss of confinement, shielding, or criticality control, the environmental impacts would be insignificant. This amendment does not reflect a significant change in design or fabrication of the cask. There are no significant changes to cask design requirements in the proposed CoC amendment. In addition, because there are no significant design or process changes, any resulting occupational exposure or offsite dose rates from the implementation of Amendment No. 3 would remain well within the 10 CFR part 20 limits. Therefore, the proposed CoC changes will not result in any radiological or non-radiological environmental impacts that significantly differ from the environmental impacts evaluated in the environmental assessment supporting the July 18, 1990, final rule. There will be no significant change in the types or significant revisions in the amounts of any effluent released, no significant increase in the individual or cumulative radiation exposure, and no significant increase in the potential for or consequences from radiological accidents. The NRC staff documented its safety findings in the PSER for this amendment.

D. Alternative to the Action

The alternative to this action is to deny approval of Amendment No. 3 and not issue the direct final rule. Consequently, any 10 CFR part 72 general licensee that seeks to load spent nuclear fuel into Holtec HI–STORM FW MPC Storage System casks in accordance with the changes described in proposed Amendment No. 3 would have to request an exemption from the requirements of 10 CFR 72.212 and 72.214. Under this alternative, an interested licensee would have to prepare, and the NRC would have to review, a separate exemption request, thereby increasing the administrative burden upon the NRC and the costs to each licensee. Therefore, the environmental impacts would be the same or less than the proposed action.

E. Alternative Use of Resources

Approval of Amendment No. 3 to CoC No. 1032 would result in no irreversible commitment of resources.

F. Agencies and Persons Contacted

No agencies or persons outside the NRC were contacted in connection with the preparation of this environmental assessment.

G. Finding of No Significant Impact

The environmental impacts of the action have been reviewed under the requirements in 10 CFR part 51. Based on the foregoing environmental assessment, the NRC concludes that this direct final rule entitled, ''List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM Flood/Wind Multipurpose Canister Storage System, Certificate of Compliance No. 1032, Amendment No. 3'' will not have a significant effect on the human environment. Therefore, the NRC has determined that an environmental impact statement is not necessary for this direct final rule.

IX. Paperwork Reduction Act Statement

This direct final rule does not contain any new or amended collections of information subject to the Paperwork

Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing collections of information were approved by the Office of Management and Budget (OMB), approval number 3150–0132.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

X. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this direct final rule will not, if issued, have a significant economic impact on a substantial number of small entities. This direct final rule affects only nuclear power plant licensees and Holtec. These entities do not fall within the scope of the definition of small entities set forth in the Regulatory Flexibility Act or the size standards established by the NRC (10 CFR 2.810).

XI. Regulatory Analysis

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent nuclear fuel under a general license in cask designs approved by the NRC. Any nuclear power reactor licensee can use NRC-approved cask designs to store spent nuclear fuel if it notifies the NRC in advance, the spent fuel is stored under the conditions specified in the cask's CoC, and the conditions of the general license are met. A list of NRC-approved cask designs is contained in 10 CFR 72.214. On March 28, 2011 (76 FR 17019), the NRC issued an amendment to 10 CFR part 72 that approved the Holtec HI–STORM FW MPC Storage System design by adding it to the list of NRC-approved cask designs in 10 CFR 72.214.

By letter dated December 18, 2015, Holtec submitted a request to the NRC to amend CoC No. 1032. Holtec modified its request on April 22, 2016, and supplemented it on June 22, 2016, and August 22, 2016, as described in Section IV, ''Discussion of Changes,'' of this document.

The alternative to this action is to withhold approval of Amendment No. 3 and to require any 10 CFR part 72 general licensee seeking to load spent nuclear fuel into Holtec HI–STORM FW MPC Storage System casks under the changes described in Amendment No. 3 to request an exemption from the requirements of 10 CFR 72.212 and 72.214. Under this alternative, each interested 10 CFR part 72 licensee would have to prepare, and the NRC would have to review, a separate exemption request, thereby increasing the administrative burden upon the NRC and the costs to each licensee.

Approval of this direct final rule is consistent with previous NRC actions. Further, as documented in the PSER and the environmental assessment, this direct final rule will have no adverse effect on public health and safety or the environment. This direct final rule has no significant identifiable impact or benefit on other Government agencies. Based on this regulatory analysis, the NRC concludes that the requirements of this direct final rule are commensurate with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as satisfactory, and therefore, this action is recommended.

XII. Backfitting and Issue Finality

The NRC has determined that the backfit rule (10 CFR 72.62) does not apply to this direct final rule. Therefore, a backfit analysis is not required. This direct final rule revises CoC No. 1032 for the Holtec HI–STORM FW MPC Storage System, as currently listed in 10 CFR 72.214, ''List of Approved Spent Fuel Storage Casks.'' Amendment No. 3 revises authorized contents to allow burnup credit for fuel types in the MPC–37 and revises CoC Condition 8, which has been previously incorporated in Amendment No. 2 to CoC No. 1032.

Amendment No. 3 to CoC No. 1032 for the Holtec HI–STORM FW MPC Storage System was initiated by Holtec and was not submitted in response to new NRC requirements, or an NRC request for amendment. Amendment No. 3 applies only to new casks fabricated and used under Amendment No. 3. These changes do not affect existing users of the Holtec HI–STORM FW MPC Storage System, and the current Amendment No. 2 continues to be effective for existing users. While current CoC users may comply with the new requirements in Amendment No. 3, this would be a voluntary decision on the part of current users. For these reasons, Amendment No. 3 to CoC No. 1032 does not constitute backfitting under 10 CFR 72.62, 10 CFR 50.109(a)(1), or otherwise represent an inconsistency with the issue finality provisions applicable to combined licenses in 10 CFR part 52. Accordingly, no backfit analysis or additional documentation addressing the issue finality criteria in 10 CFR part 52 has been prepared by the NRC staff.

XIII. Congressional Review Act

The OMB has not found this to be a rule as defined in the Congressional Review Act.

XIV. Availability of Documents

The documents identified in the following table are available to interested persons as indicated.

Document	ADAMS Accession No.
Holtec CoC No. 1032, Amendment No. 3—Amendment Request Letter dated December 18, 2015	ML15364A561
Holtec CoC No. 1032, Amendment No. 3—Modified Request Letter dated April 22, 2016	ML16113A398
Holtec CoC No. 1032, Amendment No. 3—Response to RAI Regarding HI–STORM FW Amendment 3 dated June 22, 2016.	ML16180A360
Holtec CoC No. 1032, Amendment No. 3—Transmittal of Response to HI–STORM FW Amendment 3 Response to Second Request for Additional Information dated August 22, 2016.	ML16236A243
Proposed CoC No. 1032, Amendment No. 3	ML16292A552
Proposed CoC No. 1032, Amendment No. 3—Appendix A	ML16292A580
Proposed CoC No. 1032, Amendment No. 3—Technical Specifications, Appendix B	ML16292A623
CoC No. 1032, Amendment No. 3—Preliminary Safety Evaluation Report	ML16292A650

The NRC may post materials related to this document, including public comments, on the Federal Rulemaking Web site at *http://www.regulations.gov* under Docket ID NRC–2017–0089. The Federal Rulemaking Web site allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC–2017–0089); (2) click the ''Sign up for Email Alerts'' link; and (3) enter your email address and select how

frequently you would like to receive emails (daily, weekly, or monthly).

List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Hazardous waste, Indians, Intergovernmental relations, Manpower training programs, Nuclear energy, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Waste Policy Act of 1982, as amended; and 5 U.S.C. 552 and 553; the NRC is adopting the following amendments to 10 CFR part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

■ 1. The authority citation for part 72 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2210e, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 117(a), 132, 133, 134, 135, 137, 141, 145(g), 148, 218(a) (42 U.S.C. 10137(a), 10152, 10153, 10154, 10155, 10157, 10161, 10165(g), 10168, 10198(a)); 44 U.S.C. 3504 note.

■ 2. In § 72.214, Certificate of Compliance 1032 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1032.

Initial Certificate Effective Date: June 13, 2011, superseded by Amendment Number 0, Revision 1, on April 25, 2016.

Amendment Number 0, Revision 1, Effective Date: April 25, 2016.

Amendment Number 1 Effective Date: December 17, 2014, superseded by Amendment Number 1, Revision 1, on June 2, 2015.

Amendment Number 1, Revision 1, Effective Date: June 2, 2015.

Amendment Number 2 Effective Date: November 7, 2016.

Amendment Number 3 Effective Date: September 11, 2017.

SAR Submitted by: Holtec International, Inc.

SAR Title: Final Safety Analysis Report for the Holtec International HI–STORM FW System.

Docket Number: 72–1032.

Certificate Expiration Date: June 12, 2031.

Model Number: HI–STORM FW MPC–37, MPC–89.

* * * * *

Dated at Rockville, Maryland, this 14th day of June, 2017.

For the Nuclear Regulatory Commission.

Victor M. McCree,

Executive Director for Operations.

[FR Doc. 2017–13514 Filed 6–27–17; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2017–0585; Airspace Docket No. 17–ASO–13]

Amendment of Multiple Restricted Areas; Townsend, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action updates the using agency information for restricted areas R–3007A, R–3007B, R–3007C, and R–3007D, Townsend, GA. This is an administrative change to reflect the current organization tasked with using agency responsibilities for the restricted areas. It does not affect the boundaries, designated altitudes, time of designation or activities conducted within the restricted areas.

DATES: *Effective date:* 0901 UTC, October 12, 2017.

FOR FURTHER INFORMATION CONTACT: Sean Hook, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it updates the using agency for restricted areas R–3007A, R–3007B, R–3007C, and R–3007D, Townsend, GA, to reflect the current organization responsible for the restricted areas.

The Rule

This rule amends title 14 Code of Federal Regulations (14 CFR) part 73 by updating the using agency name for restricted areas R–3007A, R–3007B, R–3007C, and R–3007D, Townsend, GA, by removing the words ''ANG, Savannah Combat Readiness Training Center, GA'' and adding the words ''USMC, Marine Corps Air Station Beaufort, SC.'' The name change reflects the current organization assigned using agency responsibilities for the restricted areas. This is an administrative change that does not affect the boundaries, designated altitudes, or activities conducted within the restricted areas; therefore, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

Regulatory Notices and Analyses

The FAA has determined that this action only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action of updating the using agency information for restricted areas R–3007A, R–3007B, R–3007C, and R–3007D, Townsend, GA qualifies for categorical exclusion under the National Environmental Policy Act in accordance

with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5.d, ''Modification of the technical description of special use airspace (SUA) that does not alter the dimensions, altitudes, or times of designation of the airspace (such as changes in designation of the controlling or using agency, or correction of typographical errors).'' This airspace action is an administrative change to the using agency names for restricted areas R–3007A, R–3007B, R–3007C, and R–3007D to update the using agency name. It does not alter the dimensions, altitudes, time of designation, or use of the airspace. Therefore, this airspace action is not expected to result in any significant environmental impacts. In accordance with FAAO 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, this action has been reviewed for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis, and it is determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 73.30 [Amended]

■ 2. § 73.30 is amended as follows:

* * * * *

R–3007A Townsend, GA [Amended]

* * * * *

By removing ''Using agency. ANG, Savannah Combat Readiness Training Center, GA,'' and adding in its place ''Using agency. USMC, Marine Corps Air Station Beaufort, SC.''

R–3007B Townsend, GA [Amended]

* * * * *

By removing ''Using agency. ANG, Savannah Combat Readiness Training Center, GA,'' and adding in its place ''Using agency. USMC, Marine Corps Air Station Beaufort, SC.''

R–3007C Townsend, GA [Amended]

* * * * *

By removing ''Using agency. ANG, Savannah Combat Readiness Training Center, GA,'' and adding in its place ''Using agency. USMC, Marine Corps Air Station Beaufort, SC.''

R–3007D Townsend, GA [Amended]

* * * * *

By removing ''Using agency. ANG, Savannah Combat Readiness Training Center, GA,'' and adding in its place ''Using agency. USMC, Marine Corps Air Station Beaufort, SC.''

Issued in Washington, DC, on June 21, 2017.

Rodger A. Dean, Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2017–13456 Filed 6–27–17; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 305

[3084–AB15]

Energy Labeling Rule

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Final rule.

SUMMARY: The Commission issues amendments to the Energy Labeling Rule to eliminate certain marking requirements for plumbing products and to exempt certain ceiling fans from labeling requirements. Additionally, the amendments update the Rule to include labeling requirements for electric instantaneous water heaters. The Commission also makes non-substantive, conforming changes to the testing provisions for LED covered lamps and minor corrections to other provisions.

DATES: This rule is effective on December 26, 2017, except for the amendments to § 305.13, which are effective on September 17, 2018, and the amendments to § 305.16, which are effective on July 28, 2017.

ADDRESSES: Relevant portions of the record of this proceeding, including this document, are available at *http://www.ftc.gov*.

FOR FURTHER INFORMATION CONTACT: Hampton Newsome, (202) 326–2889, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Background

The Commission issued the Energy Labeling Rule (''Rule'') in 1979,[1] pursuant to the Energy Policy and Conservation Act of 1975 (EPCA).[2] The Rule requires energy labeling for major home appliances and other consumer products to help consumers compare competing models. It also contains labeling requirements for refrigerators, refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners, furnaces, central air conditioners, heat pumps, plumbing products, lighting products, ceiling fans, and televisions.

The Rule requires manufacturers to attach yellow EnergyGuide labels to many of the covered products and prohibits retailers from removing these labels or rendering them illegible. In addition, it directs sellers, including retailers, to post label information on Web sites and in paper catalogs from which consumers can order products. EnergyGuide labels for most covered products contain three key disclosures: Estimated annual energy cost, a product's energy consumption or energy efficiency rating as determined by DOE test procedures, and a comparability range displaying the highest and lowest energy costs or efficiency ratings for all similar models. For cost calculations, the Rule specifies national average costs for applicable energy sources (*e.g.,* electricity, natural gas, oil) as calculated by DOE. Under the Rule, the Commission periodically updates comparability range and annual energy cost information based on manufacturer data submitted pursuant to the Rule's reporting requirements.[3]

II. Amendments to the Energy Labeling Rule

In a September 12, 2016 Notice of Proposed Rulemaking (2016 NPRM), the Commission sought comment on several issues including portable air conditioner (portable AC or PAC) labeling, large-diameter and high-speed small-diameter (HSSD) ceiling fan labels, electric instantaneous water heater labeling, and plumbing disclosures changes. The Commission received 10 comments in response.[4] After reviewing responsive

[1] 44 FR 66466 (Nov. 19, 1979).

[2] 42 U.S.C. 6294. EPCA also requires the Department of Energy (DOE) to develop test procedures that measure how much energy appliances use, and to determine the representative average cost a consumer pays for different types of energy.

[3] 16 CFR 305.10.

[4] *See* 81 FR 62681. The comments received in response to the 2016 NPRM are here: *https://www.ftc.gov/policy/public-comments/initiative-681*. The comments included:

comments, the Commission now issues final amendments addressing these issues.

A. Portable Air Conditioners

Background: In its 2016 NPRM, the Commission proposed requiring EnergyGuide labels for portable air conditioners, concluding that such labels will aid consumers in their purchasing decisions.[5] Given the similarity of portable ACs to room air conditioners (room ACs or RACs), the Commission proposed requiring the same or similar labeling for the two products. It also noted that DOE had issued a new test procedure for portable ACs on June 1, 2016 (81 FR 35242). However, the Commission explained that the content and timing of DOE's new test procedure raised several new issues that affect such labeling. First, DOE's test procedures do not generate comparable results for portable and room air conditioners.[6] This inconsistency could mislead consumers comparing the two types of products. The Commission therefore proposed waiting to issue portable AC labels until DOE harmonizes the two tests.[7] It also invited comment on whether to combine portable AC and room AC comparability ranges.[8] Finally, the Commission sought input on the timing of these requirements, including data reporting, for portable air conditioners. Citing significant burdens associated with testing and labeling, earlier industry comments urged the Commission to synchronize the date for compliance of any new labeling requirements with the date of compliance with DOE efficiency standards, which would occur roughly five years after DOE issues such standards.

Comments: Commenters generally supported labeling for portable ACs. They also agreed, for different reasons, that the Commission should not combine comparability ranges for portable and room ACs at this time. In addition, industry members urged the Commission to synchronize the timing of new label requirements with proposed DOE energy efficiency standards, which may not become effective for several years.

Industry members, AHAM and DeLonghi, as well as China argued against combining label ranges for portable and room ACs because of significant differences in how consumers purchase and use these products and the consumer confusion such combined information may cause.[9] Specifically, AHAM and DeLonghi argued that consumers are unlikely to compare these products because they use them for different purposes. In support of its position, AHAM presented consumer research suggesting that each product has ''unique key purchase drivers.'' Specifically, portable AC buyers generally seek the flexibility to move the product from room to room and store it elsewhere in cooler weather. In addition, these consumers often purchase portable ACs because room models do not fit in their windows. As DeLonghi explained, portable ACs generally offer a ''unique solution'' where installation of other air conditioner types is ''forbidden or impracticable.'' [10] AHAM added that most air conditioner owners are likely to choose the configuration (PAC or RAC) they currently own when they purchase a new unit. AHAM noted that room AC owners generally use these products as the principal source of cooling, while portable ACs owners often use those products for supplemental cooling. Finally, AHAM pointed to DOE research suggesting that room ACs are generally operated more hours annually than portable ACs. It also noted that the current room ACs have different categories for non-louvered and casement RACs, categories which do not apply to portable units.[11]

The Joint Commenters similarly recommended against combining ranges at this time. However, they also recommended initiating separate ranges to avoid delay and ensure consumers have access to energy labels pending DOE test harmonization. They explained that the test conditions impose different outdoor temperatures for the two product types. The inconsistency favors portable ACs, making them appear more efficient. Therefore, although portable AC labels generated under the test will not allow for a direct comparison to room AC labels, the labels will still accurately depict portable ACs as generally less efficient (and thus more costly to operate) than room ACs.[12]

In contrast, AHAM and DeLonghi recommended the Commission wait and synchronize the labeling requirements with the compliance date for new DOE efficiency standards, which would be set five years after DOE issues such standards. AHAM explained that its members will devote considerable resources over the next few years to ensure product lines meet the new DOE standards.[13] AHAM also stated that the pre-development, development, and tooling phases of launching a new product take years to complete and require extensive resources. According to AHAM, complying with an EnergyGuide label requirement before the DOE compliance date ''will require companies to divert resources from developing new, more efficient products.'' Aligning the compliance dates would ''allow manufacturers to engage in the extensive development and testing activities required to innovate and bring more efficient products to market and to comply with regulatory requirements.'' AHAM added that, should FTC decide to move forward with labeling/reporting requirements before the DOE compliance date, the compliance date for the labeling requirements should not be prior to October 1, 2017 and should be synchronized with the annual

Delta T Corporation dba Big Ass Solutions (Delta T) (#00009); De Longhi Appliances (#00010); A.O. Smith Corporation (#00011); Association of Home Appliance Manufacturers (AHAM) (#00012); Rheem Manufacturing Company (#00013); Appliance Standards Awareness Project (''Joint Commenters'') (#00014); Air-Conditioning, Heating, and Refrigeration Institute (AHRI) #00015; Hunter Fan Company (#00008); Plumbing Manufacturers International (PMI) #00003; and the People's Republic of China (#0016 and #0017).

[5] The Commission also stated such labels would be economically and technologically feasible. *See* 42 U.S.C. 6294(a)(3). The Commission addressed the benefits and feasibility of labels for these products in earlier notices. *See* 81 FR at 62682–83; 80 FR 67351, 67357 (Nov. 2, 2015).

[6] 81 FR at 35251. DOE stated that it would consider amending the room air conditioner procedure to address this issue. However, it is not clear when it will do so.

[7] Consistent with the Commission's recent decision on room air conditioners, the Commission indicated that the portable AC label would appear on the product box, not the unit itself. In addition, the portable AC label would disclose the Combined Energy Efficiency Ratio (CEER). *See* 80 FR at 67293.

[8] In response to an earlier notice, commenters had disagreed on this issue. *See* 81 FR at 62682–83. In DOE's test procedure notice, DOE stated that ''comparative ratings between room ACs and portable ACs [are] desirable,'' suggesting that consumers do compare these products. *See* 81 FR at 35251. DOE also noted ''the many similarities between room ACs and portable ACs in design, cost, functionality, consumer utility, and applications.'' *Id.* at 35250.

[9] China added that the test methods and the user experience for the two product types are different.

[10] In AHAM's view, room AC buyers do not need the ability to move units from room to room, view PACs as too expensive, or are unaware of PACs. AHAM also suggested, based on its research, the consumers will not focus on EnergyGuide labels because cooling capacity and price are much higher priorities for consumers than energy efficiency and operating costs. According to AHAM, even if consumers compare RACs and PACs while shopping, they may not be comparing energy costs in making purchasing decisions.

[11] AHAM also argued that DOE's statement about the desirability for harmonized test results, cited by the Commission in the NPRM, has no bearing on whether consumers actually compare these products when shopping.

[12] The Joint Commenters suggested that FTC consider label language alerting consumers that the room AC test conditions are not consistent with those for PACs.

[13] AHAM provided additional information involving the expected burden of labeling.

production cycle (*i.e.,* the cooling season) for these products.[14]

Discussion: The Commission is not issuing final label requirements for portable air conditioners at this time. As discussed above, commenters disagree on the timing of compliance with new labeling requirements. AHAM and DeLonghi argued that the compliance dates for labels and DOE efficiency standards should be synchronized to allow industry to focus more of their resources during the five-year standards compliance period on developing more efficient products rather than on labeling products. The Joint Commenters, on the other hand, seek a shorter compliance period, arguing that the label information would benefit consumers before implementation of the standards.[15] However, in January 2017, DOE withdrew its final efficiency standards from publication in the **Federal Register** pursuant to an Executive Order, leaving any final standards compliance date unclear at this time.[16] Therefore, before considering this issue further, the Commission will wait for further clarity regarding DOE's energy efficiency standards.

B. Large-Diameter and High-Speed Small Diameter Ceiling Fan Labels

Background: In final amendments published September 15, 2016 (81 FR 63634) (2016 Final Rule), the Commission issued updated ceiling fan labels, which will be required on all fan boxes beginning on September 17, 2018. In publishing the new label, the Commission excluded large-diameter fans (*i.e.,* greater than 84 inches) and high-speed small-diameter fans because new DOE testing requirements prescribe significantly different operating assumptions (hours per day) for these models.[17] As a result, the test yields incompatible yearly cost estimates among these different fan types.[18] Absent adequate disclosures alerting consumers to these different operating assumptions, the resulting inconsistencies could be misleading. Accordingly, the Commission sought comment on the need for, and content of, large-diameter and HSSD fan labels.

Comments: Commenters agreed the Commission should not require labels for large-diameter fans. Delta T asserted that such labels would create little or no benefit for consumers while adding burden and costs for manufacturers. Citing DOE research, Delta T explained that large-diameter fans are typically not sold to individual consumers through retail outlets or e-commerce sites. Thus, in its view, labeling would not benefit typical purchasers while creating additional burden and cost for manufacturers. Hunter indicated that large diameter fan labels are likely to confuse consumers if such labels are inconsistent with small-diameter fan labels. Delta T cautioned that such inconsistent labels would confuse consumers given the vastly different applications for these products.

Should the FTC require labels, Delta T recommended the label display integrated efficiency, maximum power consumption, and maximum cubic feet per minute of airflow, and cost comparisons limited to similar-size products. In addition, Hunter recommended disclosures advising consumers not to compare large-diameter models to small ones.

Discussion: The Commission has determined not to require labels for large-diameter and HSSD fans.[19] Based on the comments and DOE information, large-diameter and HSSD fans are generally not sold to residential consumers but rather purchased by commercial or industrial entities unlikely to use a consumer label.[20] Therefore, the Commission concludes that for these products the labeling costs would substantially outweigh labeling benefits.[21] However, manufacturers and other marketers should note that, under EPCA (42 U.S.C. 6293(c)), any energy representations (*e.g.,* airflow ratings) made for these products, whether on packaging, in advertising, or elsewhere, must fairly disclose the results of the DOE test procedure.[22]

C. Electric Instantaneous Water Heaters

Background: In its 2016 NPRM, the Commission proposed to include EnergyGuide labeling provisions for electric instantaneous water heaters. Although such products already fell within the Rule's ''water heater'' definition (section 305.3), the Commission in the past did not require that they be labeled because DOE did not have an applicable test method. In 2014, however, DOE updated its water heater test procedure to include such a test method.[23] Accordingly, in the 2016 NPRM, the Commission proposed updating the Rule to publish comparability ranges and labeling provisions for these water heater models.[24] The labels for the electric instantaneous models are no different from other covered water heaters. The Commission proposed requiring manufacturers to begin using labels on their products within 180 days of the final Rule to give manufacturers adequate time to label their models.

Comments: The commenters (AHRI, A.O. Smith, and Rheem) supported the Commission requiring labels for electric

[14] AHAM also requested more details about the label content, compliance dates, and reporting requirements before issuing a final rule and urged that the reporting and labeling requirements be consistent with DOE's reporting requirements and the DOE test procedure. As the Commission has stated before, the proposed label content is largely identical to those for room ACs.

[15] In arguing for a shorter label compliance period, the Joint Commenters note that a 2010 Commission rule (75 FR 41699 (July 19, 2010) required new labeling for certain lighting products prior to the effective date of energy efficiency standards for those products because labeling ''will provide benefits to consumers that outweigh any additional cost to industry.'' However, in response to industry concerns in that proceeding, the Commission later exempted some of the bulbs in question from the new labeling requirements, explaining in part that the exemption would allow manufacturers to focus their labeling resources ''on products that will remain in the market well into the future . . . .'' 76 FR 20233, 20236 (April 12, 2011).

[16] In December 2016, DOE announced a final rule establishing reporting requirements and future efficiency standards for portable ACs. *See* ''Issuance: 2016–12–28 Energy Conservation Program: Energy Conservation Standards for Portable Air Conditioners; Final Rule,'' *https://energy.gov/eere/buildings/downloads/issuance-2016-12-28-energy-conservation-program-energy-conservation-2.* Pursuant to the Presidential Memorandum on Implementation of Regulatory Freeze (Jan. 24, 2017), DOE subsequently withdrew the final rule from publication in the **Federal Register**.

[17] *See* 81 FR 48620 (July 25, 2016). In its proposed test procedure Notice, DOE described a HSSD fan as a model that has a blade thickness of less than 3.2 mm at the edge or a maximum tip speed greater than applicable limits set out by DOE and does not otherwise qualify as ''a very small-diameter ceiling fan, highly-decorative ceiling fan or belt-driven ceiling fan.'' 81 FR 1688, 1700, 1703 (Jan. 13, 2016).

[18] The DOE test procedure dictates a 6.4-hour per day operating assumption for standard fans but a 12-hour per day figure for large-diameter and HSSD models. 81 FR at 48645.

[19] The amendments contain a minor correction to section 305.13 regarding the fan sizes included for covered models.

[20] The commenters did not specifically address HSSD fans. However, DOE stated in an earlier notice that ''HSSD ceiling fans generally operate at much higher speeds (in terms of RPM) than standard or hugger ceiling fans, and are installed in commercial applications.'' 81 FR at 1703.

[21] Under EPCA, the Commission may forgo label requirements for covered products if it determines that labeling for a product type or class thereof is not ''economically or technically feasible.'' *See* 42 U.S.C. 6294(b)(5). In interpreting this statutory provision, the Commission has stated ''that Congress['s] intent was to permit the exclusion of any product category, if the Commission found that the costs of the labeling program would substantially outweigh any potential benefits to consumers.'' 44 FR at 66467–68.

[22] China requested the Rule include definitions for large-diameter and HSSD fans. The amendments published by the Commission on September 15, 2016 (81 FR at 63646) (section 305.3(x)) reference the DOE definitions for these terms in 10 CFR part 430.

[23] 79 FR 40542 (July 11, 2014).

[24] 81 FR at 62683–84. In earlier comments, AHRI recommended labels for these products in light of the DOE test procedure change. *See* AHRI comments (Jan. 11, 2016) (#00015).

instantaneous water heaters. For instance, A.O. Smith stated that labeling requirements ''will assure a transparent level playing field upon which manufacturers will be able to communicate important information to consumers.'' However, these comments raised concerns about physically attaching labels to these products. They explained that electric instantaneous units are generally too small to accommodate the EnergyGuide label. A.O. Smith also noted that these products are most commonly displayed in their packaging (*i.e.,* box). Therefore, the commenters requested that the Commission either allow manufacturers to place the label on packaging (like ceiling fans), include the label with other product literature, or affix hang tags directly on the product (an option currently prohibited by the Rule).[25]

Discussion: Consistent with the comments and EPCA's mandate, the final amendments impose labeling requirements, including the comparability ranges proposed in the 2016 NPRM for electric instantaneous water heaters.[26] The cost figure for the label is 12 cents per kWh, consistent with the figure currently used for electric storage water heater labels. In response to comments indicating that the products themselves are generally too small for an adhesive label and that the products are usually displayed in boxes, the final Rule requires the label to appear conspicuously on the product's packaging, not on the product itself.[27] Manufacturers may incorporate the label into the packaging graphics or affixing adhesive labels to the box.[28]

D. Plumbing ASME Reference Update

Background: In the 2016 NPRM, the Commission also proposed updating the marking and labeling requirements in Section 305.16 to remove a reference to the ASME (American Society of Mechanical Engineers) standards that the Rule requires on showerheads and faucets (''A112.18.1''), as well as water closets and urinals (''A112.19.2''). The Commission explained that the required marking appears to have outlived its usefulness, and that its removal likely will have no negative impact on consumers or other market participants. In addition, the current revisions of both ASME standards no longer require these markings.

Comments: All commenters addressing this issue supported the proposal. PMI agreed these standard markings have outlived their usefulness and are no longer required by the latest versions of the ASME standards. PMI provided suggested language to ensure that the amendments delete the ASME marking requirements from the Rule. PMI also requested that the proposed rulemaking become effective no later than 30 days after it is published in the **Federal Register** to allow manufacturers to remove the markings from their products as soon as possible.

Discussion: As proposed, the final amendments remove the ASME references in the Rule.[29] As discussed in the 2016 NPRM, these disclosures are unlikely to aid consumers or industry members and, as such, impose unnecessary burdens. The final changes incorporate the Rule language suggestions offered by PMI. The amendments will become effective 30 days after publication of this Notice in the **Federal Register**.

E. LED Test Procedure Reference

The final amendments include a non-substantive, conforming change to the Rule's testing provisions (section 305.5) to clarify that manufacturers must use DOE test procedures for LED covered lamps. In the past, the Rule stated that the Commission will accept tests conducted according to IEA LM79 as a reasonable basis for representations of light output for general service LED lamps. However, on July 1, 2016 (81 FR 43404), DOE issued final test procedures incorporating LM79 standard by reference. Because EPCA requires manufacturers to use DOE test procedures for labeling,[30] the Rule provision's reference to IEA LM79 is now obsolete. Accordingly, the Commission finds good cause for amending the testing provisions for LED covered lamps to remove the obsolete reference to IEA LM79 without notice and comment because such a procedure is unnecessary in this case. *See* 16 CFR 1.26(b).[31]

III. Paperwork Reduction Act

The current Rule contains recordkeeping, disclosure, testing, and reporting requirements that constitute information collection requirements as defined by 5 CFR 1320.3(c), the definitional provision within the Office of Management and Budget (OMB) regulations that implement the Paperwork Reduction Act (PRA). OMB has approved the Rule's existing information collection requirements through November 30, 2019 (OMB Control No. 3084–0069). The amendments make changes in the Rule's labeling requirements that will increase the PRA burden as detailed below.[32] Accordingly, the Commission is seeking OMB clearance specific to the Rule amendments.[33]

Burden estimates below are based on Census data, DOE figures and estimates, general knowledge of manufacturing practices, and trade association advice and figures. The FTC estimates that there are about 100 basic models (*i.e.,* units with essentially identical physical and electrical characteristics) affected

[25] Rheem and AHRI noted conforming changes needed for the online sample template label for instantaneous water heaters on the FTC Web site. Those changes have been made at *https://www.ftc.gov/tips-advice/business-center/guidance/energyguide-labels-templates-manufacturers.*

[26] Under EPCA (42 U.S.C. 6294(a)(1)), the Commission must require labels for water heaters unless it finds such labeling is not technologically or economically feasible. The comments, all from industry members supporting the label, identified no such barriers.

[27] Consistent with the proposal, the final amendments require labels for models produced beginning 180 days after publication of this Notice. In addition, the final Rule does not allow labels to be included in literature disseminated with the product or affixed as hang tags. The inclusion of labels in product literature would prevent consumers from examining the label prior to purchase. In addition, the Rule (section 305.11(e)(2)) prohibits the placement of hang tags on product exteriors because such labels may ''become misplaced or damaged easily'' in a retail environment. See 72 FR 49948, 49961 (Aug. 29, 2007).

[28] AHRI's comments also raised concerns about whether gas-fired instantaneous water heaters can accommodate the size of the label. However, the Rule has required labels for gas-fired units for decades with no apparent difficulty and the 2016 NPRM did not propose any changes for gas-fired model labels. In addition, both Rheem and A.O. Smith indicated in their comments that electric models are generally smaller than gas-fired ones. The Commission therefore has determined not to address labels of gas-fired instantaneous water heaters in the final amendments.

[29] EPCA directs the Commission to amend the plumbing labeling requirements to be consistent with any revisions to these ASME standards, unless the Commission finds such amendments would be inconsistent with EPCA's purposes or certain labeling requirements for plumbing products. 42 U.S.C. 6294(a)(2)(E)(ii). As noted in earlier comments, the ASME standards themselves no longer require such markings, and applicable plumbing codes now impose similar disclosures and require manufacturers to third-party certify their products to the current applicable standard. Accordingly, these amendments are consistent with EPCA. *See* 81 FR at 62684.

[30] 42 U.S.C. 6293(c) and 6294(c)(1)(A).

[31] The amendments also include minor corrections to language in section 305.11(f) for refrigerators and freezers (*e.g.,* deletes an obsolete reference to ''year''), clothes washers, and dishwashers, and to the cost figure for television disclosures in paper catalogs in section 305.20(b)(1)(i)(F). The Commission finds good cause for implementing these corrections without notice and comment.

[32] The amendments to the plumbing provisions add no additional burden beyond existing estimates.

[33] The PRA analysis for this rulemaking focuses strictly on the information collection requirements created by and/or otherwise affected by the amendments. Unaffected information collection provisions have previously been accounted for in past FTC analyses under the Rule and are covered by the current PRA clearance from OMB.

by these amendments. In addition, FTC staff estimates that there are 6 instantaneous water heater manufacturers. The FTC estimates that there are 100,000 electric instantaneous water heaters shipped each year in the U.S.

Annual Burden Hours

Reporting: FTC staff estimates that manufacturers will require approximately two minutes per model to enter label data per basic model. Accordingly, the FTC estimates that cumulative annual reporting burden will be 3 hours (2 minutes per model × 100 basic models).

Labeling: FTC staff estimates that manufacturers will require six seconds per unit to affix labels. Accordingly, the FTC estimates that cumulative annual disclosure (labeling) burden will be 167 hours to affix labels [(six seconds per unit × 100,000 total annual product shipments)].

Testing: For testing, manufacturers will require approximately 24 hours for each water heater. The FTC estimates that, on average, 50% of the total basic models are tested each year. Accordingly, the estimated annual testing burden for electric instantaneous water heaters is 1,200 hours (24 hours × 100 × 0.5).

Recordkeeping: The Rule also requires electric instantaneous water heater manufacturers to keep records of test data generated in performing the tests to derive information included on labels. The FTC estimates that it will take manufacturers one minute per record (*i.e.,* per model) to store the data. Accordingly, the estimated annual recordkeeping burden would be approximately 2 hours (1 minute × 100 basic models).

Catalog Disclosures: Based upon FTC staff research concerning the number of manufacturers and online retailers, staff estimates that there are an additional 150 catalog sellers who are subject to the Rule's catalog disclosure requirements. Staff estimates further that these sellers each require approximately 2 hours per year to incorporate the data into their catalogs. This estimate is based on the assumptions that entry of the required information takes on average one minute per covered product and that the average online catalog contains approximately 100 covered products relevant here. Given that there is great variety among sellers in how many products that they offer online, it is very difficult to estimate such numbers with precision. In addition, this analysis assumes that information for all 100 covered products is entered into the catalog each year. This is a conservative assumption because the number of incremental additions to the catalog from year to year is likely to be much lower after initial start-up efforts have been completed. Thus, the total annual disclosure burden for all catalog sellers of electric instantaneous water heaters covered by the Rule is 300 hours (150 sellers × 2 hours).

Thus, estimated annual burden attributable to the amendments is 1,672 hours (3 hours for reporting + 167 for labeling + 1,200 for testing + 2 hours for recordkeeping + 300 disclosure hours for catalog sellers).

Annual Labor Costs

Staff derived labor costs by applying assumed hourly wages [34] to the burden hours described above. In calculating labor costs, the FTC assumes that electrical engineers perform test procedures, electronic equipment installers affix labels, and data entry workers enter label data, catalog disclosures, and perform recordkeeping. Average hourly wages for these labor categories, based on BLS data, are as follows: (1) Electrical engineers ($47.41); (2) electronic equipment installers ($24.27); and (3) data entry workers ($16.24).

Based on the above estimates and assumptions, the total annual labor cost for the various burden categories and sub-categories noted above is as follows:

Reporting: 3 hours × $16.24/hour (data entry workers) = $49

Labeling: 167 hours × $24.27 (electronic equipment installers) = $4,053

Testing: 1,200 hours × $47.41/hour (electrical engineers) = $56,892

Recordkeeping: 2 hours × $16.24/hour (data entry workers) = $32

Catalog Disclosures: 300 hours × $16.24/hour (data entry workers) = $4,872

Thus, the total annual labor cost is approximately $65,898.

Annual Non-Labor Costs

Manufacturers are not likely to require any significant capital costs to comply with the amendments. Industry members, however, will incur the cost of printing package labels for each covered unit. The estimated label cost, based on $.03 per label, is $3,000 (100,000 × $.03).

Total Estimated Burden: Accordingly, the estimated total hour burden of the final amendments is 1,672 with associated labor costs of $65,898 and annualized capital or other non-labor costs totaling $3,000.

IV. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, requires that the Commission provide an Initial Regulatory Flexibility Analysis (IRFA) with a Proposed Rule, and a Final Regulatory Flexibility Analysis (FRFA) with the final Rule, unless the Commission certifies that the Rule will not have a significant economic impact on a substantial number of small entities.[35]

The Commission does not anticipate that the final amendments will have a significant economic impact on a substantial number of small entities. The Commission recognizes that some affected entities may qualify as small businesses under the relevant thresholds. The Commission does not expect, however, that the economic impact of implementing the amendments will be significant because the amendments involve routine labeling requirements commonly implemented by the affected entities and, as illustrated in the PRA analysis, the PRA burden of these requirements is not large. The Commission will provide businesses with ample time to implement the requirements. In addition, the Commission does not expect that the requirements specified in the final amendments will have a significant impact on affected entities.

Although the Commission certified under the RFA that the amendments would not, if promulgated, have a significant impact on a substantial number of small entities, the Commission has determined, nonetheless, that it is appropriate to publish an FRFA in order to explain the impact of the amendments on small entities as follows:

A. Description of the Reasons That Action by the Agency Is Being Taken

The Commission is issuing a new energy label for electric instantaneous water heaters to help consumers with their purchasing decisions. It is also amending the Rule's requirements to eliminate unnecessary requirements regarding plumbing disclosures.

B. Issues Raised by Comments in Response to the IRFA

The Commission did not receive any comments specifically related to the impact of the final amendments on small businesses. In addition, the

[34] The mean hourly wages that follow are drawn from ''Occupational Employment and Wages—May 2016,'' Bureau of Labor Statistics (''BLS''), U.S. Department of Labor, Table 1, released March 31, 2017 (''National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2016''), available at *https://www.bls.gov/news.release/ocwage.t01.htm.*

[35] 5 U.S.C. 603–605.

Commission did not receive any comments filed by the Chief Counsel for Advocacy of the Small Business Administration. Comments that involve impacts on all entities are discussed above in the Paperwork Reduction Act section.

C. Estimate of Number of Small Entities to Which the Amendments Will Apply

Under the Small Business Size Standards issued by the Small Business Administration, appliance manufacturers qualify as small businesses if they have fewer than 1,000 employees (for other household appliances the figure is 500 employees). Catalog sellers qualify as small businesses if their sales are less than $8.0 million annually. FTC staff estimates that there are approximately 100 catalog sellers subject to the proposed rule's requirements that qualify as small businesses.[36]

D. Projected Reporting, Recordkeeping, and Other Compliance Requirements

The amendments would slightly increase reporting or recordkeeping requirements associated with the Commission's labeling rules as discussed above. The amendments likely will increase compliance burdens by extending the labeling requirements to instantaneous electric water heaters. As previously explained in the PRA analysis, the Commission anticipates that the labeling will be implemented by electronic equipment installers.

E. Description of Steps Taken To Minimize Significant Economic Impact, if any, on Small Entities, Including Alternatives

The Commission sought comment and information on the need, if any, for alternative compliance methods that would reduce the economic impact of the Rule on such small entities. In response to comments, the Commission has given manufacturers the option of printing or affixing labels on electric instantaneous water heaters to provide flexibility in meeting that requirement. The Commission also removed outdated references on plumbing products that are unlikely to aid consumers or industry members and, as such, impose unnecessary burdens.

Final Rule

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

For the reasons discussed above, the Commission amends part 305 of title 16, Code of Federal Regulations, as follows:

PART 305—ENERGY AND WATER USE LABELING FOR CONSUMER PRODUCTS UNDER THE ENERGY POLICY AND CONSERVATION ACT ("ENERGY LABELING RULE")

■ 1. The authority citation for part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

■ 2. Amend § 305.11 by revising paragraph (d) introductory text, adding paragraph (d)(3), and revising paragraphs (f)(9)(i), (iv), and (vii) through (x) to read as follows:

§ 305.11 Labeling for refrigerators, refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters, room air conditioners, and pool heaters.

* * * * *

(d) *Label types.* Except as indicated in paragraph (d)(3) of this section, the labels must be affixed to the product in the form of an adhesive label or a hang tag as follows:

* * * * *

(3) *Package labels for certain products.* Labels for electric instantaneous water heaters shall be printed on or affixed to the product's packaging in a conspicuous location.

* * * * *

(f) * * *

(9) * * *

(i) Labels for refrigerators and refrigerator-freezers must contain a statement as illustrated in the prototype labels in appendix L and specified as follows (fill in the blanks with the appropriate energy cost figure):

Your cost will depend on your utility rates and use.

Both cost ranges based on models of similar size capacity.

[Insert statement required by § 305.11(f)(9)(iii)].

Estimated energy cost based on a national average electricity cost of __ cents per kWh.

ftc.gov/energy.

* * * * *

(iv) Labels for freezers must contain a statement as illustrated in the prototype labels in appendix L and specified as follows (fill in the blanks with the appropriate energy cost figure):

Your cost will depend on your utility rates and use.

[Insert statement required by § 305.11(f)(10)(v)].

Estimated energy cost based on a national average electricity cost of __ cents per kWh.

ftc.gov/energy.

* * * * *

(vii) For water heaters covered by appendices D1, D2, and D3, the statement will read as follows (fill in the blanks with the appropriate fuel type, and energy cost figures):

Your costs will depend on your utility rates and use.

Cost range based only on models fueled by [natural gas, oil, propane, or electricity] with a [very small, low, medium, or high] first hour rating [fewer than 18 gallons, 18–50.9 gallons, 51–74.9 gallons, or greater than 75 gallons].

Estimated energy cost is based on a national average [electricity, natural gas, propane, or oil] cost of [__ cents per kWh or $__ per therm or gallon].

Estimated yearly energy use: __ [kWh or therms].

ftc.gov/energy.

(viii) For instantaneous water heaters (appendices D4 and D5), the statement will read as follows (fill in the blanks with the appropriate model type, and the energy cost figures):

Your costs will depend on your utility rates and use.

Cost range based only on [electric models or models fueled by natural gas] with a [very small, low, medium, or high] gallons per minute rating [0 to 1.6, 1.7 to 2.7, 2.8 to 4.0, or greater than 4.0].

Estimated energy cost is based on a national average [electricity, natural gas, or propane] cost of [__ cents per kWh or $__ per therm or gallon].

Estimated yearly energy use: __ [kWh or therms].

ftc.gov/energy.

(ix) For dishwashers covered by appendices C1 and C2, the statement will read as follows (fill in the brackets with the appropriate capacity and the energy cost figures):

Your costs will depend on your utility rates and use.

Cost range based only on [compact/standard] capacity models.

Estimated energy cost is based on four washloads a week, and a national average electricity cost of [__] cents per kWh and natural gas cost of $[__] per therm.

For more information, visit *www.ftc.gov/energy*.

(x) For clothes washers covered by appendices F1 and F2, the statement will read as follows (fill in the blanks with the appropriate capacity and energy cost figures):

Your costs will depend on your utility rates and use.

Cost range based only on [compact/standard] capacity models.

Estimated operating cost is based on six wash loads a week and a national

[36] *See* 75 FR 41696, 41712 (July 19, 2010). The staff has not identified any manufacturers affected by the amendments that are small businesses.

average electricity cost of __ cents per kWh and natural gas cost of $ __ per therm.

ftc.gov/energy.

* * * * *

■ 3. In § 305.13, revise paragraph (a)(1)(xii), as added September 15, 2015, at 81 FR 63649, and effective September 17, 2018, to read as follows:

§ 305.13 Labeling for ceiling fans.

(a) * * *

(1) * * *

(xii) For fans from 19 or more inches and less than or equal to 84 inches in diameter, the label shall display a cost range of $3 to $34 along with the statement underneath the range ''Cost Range of Similar Models (19″–84″).

* * * * *

■ 4. In § 305.16, effective July 28, 2017, revise paragraphs (a)(3) and (4) and (b)(3) and (4) to read as follows:

§ 305.16 Labeling and marking for plumbing products.

(a) * * *

(3) The package for each showerhead and faucet shall disclose the manufacturer's name and the model number.

(4) The package or any label attached to the package for each showerhead or faucet shall contain at least the following: The flow rate expressed in gallons per minute (gpm) or gallons per cycle (gpc), and the flow rate value shall be the actual flow rate or the maximum flow rate specified by the standards established in subsection (j) of section 325 of the Act, 42 U.S.C. 6295(j). Each flow rate disclosure shall also be given in liters per minute (L/min) or liters per cycle (L/cycle).

(b) * * *

(3) The package, and any labeling attached to the package, for each water closet and urinal shall disclose the flow rate, expressed in gallons per flush (gpf), and the water use value shall be the actual water use or the maximum water use specified by the standards established in subsection (k) of section 325 of the Act, 42 U.S.C. 6295(k). Each flow rate disclosure shall also be given in liters per flush (Lpf).

(4) With respect to any gravity tank-type white 2-piece toilet offered for sale or sold before January 1, 1997, which has a water use greater than 1.6 gallons per flush (gpf), any printed matter distributed or displayed in connection with such product (including packaging and point-of-sale material, catalog material, and print advertising) shall include, in a conspicuous manner, the words ''For Commercial Use Only.''

* * * * *

■ 5. In § 305.20, revise paragraph (b)(1)(i)(F) to read as follows:

§ 305.20 Paper catalogs and Web sites.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(F) Televisions. The estimated annual operating cost determined in accordance with § 305.5 and a disclosure stating ''Your energy cost depends on your utility rates and use. The estimated cost is based on 12 cents per kWh and 5 hours of use per day. For more information, visit *www.ftc.gov/energy*.''

* * * * *

■ 6. Revise appendix D5 to read as follows:

Appendix D5 to Part 305—Water Heaters—Instantaneous—Electric

RANGE INFORMATION

Capacity	Range of estimated annual energy costs (dollars/year)	
	Low	High
Capacity (maximum flow rate); gallons per minute (gpm):		
''Very Small''—less than 1.6	$72	$74
''Low''—1.7 to 2.7	*	*
''Medium''—2.8 to 3.9	*	*
''High''—over 4.0	*	*

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–13469 Filed 6–27–17; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2510

RIN 1210–AB76

Definition of Employee Pension Benefit Plan Under ERISA

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Final rule; CRA Revocation.

SUMMARY: Under the Congressional Review Act, Congress has passed, and the President has signed resolutions of disapproval of Savings Arrangements Established by States for Non-Governmental Employees and Savings Arrangements Established by Qualified State Political Subdivisions for Non-Governmental Employees, as codified in the Code of Federal Regulations. The Employee Benefits Security Administration (EBSA) published these final rules in 2016, effective October 31, 2016 and January 19, 2017, respectively. Because these resolutions invalidate these final rules, EBSA is hereby removing these final rules from the Code of Federal Regulations.

DATES: This action is effective June 28, 2017.

FOR FURTHER INFORMATION CONTACT: Jeffrey J. Turner, Office of Regulations and Interpretations, Employee Benefits Security Administration, (202) 693–8500. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: On August 30, 2016, the Department issued a final rule entitled Savings Arrangements Established by States for Non-Governmental Employees (81 FR 59464, Aug. 30, 2016). The final rule, which became effective on October 31, 2016, amended an existing rule defining ''employee pension benefit plans'' for purposes of ERISA (29 CFR part 2510, § 2510.3–2) in order to add a safe harbor for certain state-established savings arrangements. Subsequently, on December 20, 2016, the Department issued another final rule entitled Savings Arrangements Established by Qualified State Political Subdivisions for Non-Governmental Employees (81 FR 92639, Dec. 20, 2016), which amended the August 30, 2016, final rule to expand the safe harbor to savings

arrangements established by qualified state political subdivisions. The December 20, 2016, final rule became effective on January 19, 2017. (81 FR 59464, Aug. 30, 2016).

On February 15, 2017, the United States House of Representatives, under authority of the Congressional Review Act (5 U.S.C. 801 *et seq.*), passed joint resolution H.J. Res. 66 disapproving the August 30, 2016, final rule published in 81 FR 59464. (Cong. Rec. p. H1206–1218.) The Senate passed H.J. Res. 66 on May 3, 2017. (Cong. Rec. p. S2692–2712.) President Trump signed the resolution into law on May 17, 2017, as Public Law 115–35. Also on February 15, 2017, the United States House of Representatives, under authority of the Congressional Review Act, passed joint resolution H.J. Res. 67 disapproving the December 20, 2016, final rule published in 81 FR 92639. (Cong. Rec. p. H1218.) The Senate passed H.J. Res. 67 on March 30, 2017 (Cong. Rec. p. S2121–2122.), and President Trump signed it into law on April 13, 2017, as Public Law 115–24. Accordingly, as required by Public Law 115–35 and Public Law 115–24, the Department is hereby revising the Code of Federal Regulations to reflect Congress's disapproval of both final rules.

List of Subjects in 29 CFR Part 2510

Accounting, Coverage, Employee benefit plans, Employee Retirement Income Security Act, Pensions, Reporting.

For the reasons stated above and under the authority of the Congressional Review Act (5 U.S.C. 801 *et seq.*), Public Law 115–35 (May 17, 2017), and Public Law 115–24 (April 13, 2017), the Department of Labor amends 29 CFR part 2510 as follows:

PART 2510—DEFINITIONS OF TERMS USED IN SUBCHAPTERS C, D, E, F, G, AND L OF THIS CHAPTER

■ 1. The authority citation for part 2510 continues to read as follows:

Authority: 29 U.S.C. 1002(2), 1002(21), 1002(37), 1002(38), 1002(40), 1031, and 1135; Secretary of Labor's Order No. 1–2011, 77 FR 1088 (Jan. 9, 2012); Secs. 2510.3–21, 2510.3–101 and 2510.3–102 also issued under sec. 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. at 237 (2012), E.O. 12108, 44 FR 1065 (Jan. 3, 1979) and 29 U.S.C. 1135 note. Sec. 2510.3–38 is also issued under sec. 1, Pub. L. 105–72, 111 Stat. 1457 (1997).

■ 2. Amend § 2510.3–2 by revising paragraph (a) and removing paragraph (h) to read as follows:

§ 2510.3–2 Employee pension benefit plan.

(a) *General.* This section clarifies the limits of the defined terms ''employee pension benefit plan'' and ''pension plan'' for purposes of Title I of the Act and this chapter by identifying certain specific plans, funds and programs which do not constitute employee pension benefit plans for those purposes. To the extent that these plans, funds and programs constitute employee welfare benefit plans within the meaning of section 3(1) of the Act and § 2510.3–1, they will be covered under Title I; however, they will not be subject to parts 2 and 3 of Title I of the Act.

* * * * *

Signed at Washington, DC, this 22nd day of June, 2017.

Timothy D. Hauser,

Deputy Assistant Secretary for Program Operations, Employee Benefits Security Administration, Department of Labor.

[FR Doc. 2017–13459 Filed 6–27–17; 8:45 am]

BILLING CODE 4510–29–P

CENTRAL INTELLIGENCE AGENCY

32 CFR Part 1908

Mandatory Declassification Review

CFR Correction

In Title 32 of the Code of Federal Regulations, Part 800 to end, revised as of July 1, 2016, on page 474, revise § 1908.04 to read as follows:

§ 1908.04 Suggestions and complaints.

The Agency welcomes suggestions, comments, or complaints with regard to its administration of the mandatory declassification review program established under Executive Order 13526. Members of the public shall address such communications to the CIA Information and Privacy Coordinator. The Agency will respond as determined feasible and appropriate under the circumstances.

[FR Doc. 2017–13496 Filed 6–27–17; 8:45 am]

BILLING CODE 1300–00–D

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2017–0258]

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

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone for the City of Cleveland 4th of July, on Lake Erie and the Cleveland Harbor from 9:30 p.m. through 11 p.m. on Tuesday, July 4th, 2017. This action is necessary to provide for the safety of life and property on navigable waters during this event. Our regulation for Annual Fireworks Events in the Captain of the Port Buffalo Zone identifies the safety zone for this event. During the enforcement period, no person or vessel may enter the respective safety zone without the permission of the Captain of the Port Buffalo.

DATES: The regulation in 33 CFR 165.939(a)(25) will be enforced from 9:30 p.m. through 11 p.m. on July 4, 2017.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice of enforcement, call or email LT Ryan Junod, Coast Guard; telephone 216–937–0124, email *ryan.s.junod@uscg.mil*.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Safety Zones; Annual Fireworks Events in the Captain of the Port Buffalo Zone listed in 33 CFR 165.939 for the following event:

City of Cleveland 4th of July, Cleveland, OH; The safety zone listed in 33 CFR 165.939(a)(25) will be enforced from 9:30 p.m. through 11 p.m. on July 4, 2017. The safety zone will encompass all navigable waters of Lake Erie and Cleveland Harbor within a 1,000 foot radius of land position 41°30′10″ N., 081°42′36″ W. (NAD 83) at Dock 20 in Cleveland, OH. This action is necessary to provide for the safety of life and property on navigable waters during this event. Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within these safety zones during an enforcement period is prohibited unless authorized by the Captain of the Port Buffalo or his designated representative. Those seeking permission to enter one of these safety zones may request permission from the Captain of Port Buffalo via channel 16, VHF–FM. Vessels and persons granted permission to enter this safety zone shall obey the directions of the Captain of the Port Buffalo or his designated representative. While within the 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 notification in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of these enforcement periods via Broadcast Notice to Mariners and Local Notice to Mariners. If the Captain of the Port

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

Dated: June 21, 2017.

J.S. DuFresne,

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

[FR Doc. 2017–13460 Filed 6–27–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0324]

RIN 1625–AA00

Safety Zone; City of Oswego Independence Day Celebration; Lake Ontario, Oswego, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Lake Ontario, Oswego, NY. This safety zone is intended to restrict vessels from a portion of Lake Ontario during the Independence Day Celebration fireworks display. This temporary safety zone is necessary to protect mariners and vessels from the navigational hazards associated with a fireworks display.

DATES: This rule is effective from 9:30 p.m. until 10:15 p.m. on July 2, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0324 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 LT Michael Collet, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716–843–9322, email *SectorBuffaloMarineSafety@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. The final details of this event were not known to the Coast Guard until there was insufficient time remaining before the event to publish an NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be impracticable because it would inhibit the Coast Guard's ability to protect mariners and vessels from the hazards associated with a fireworks show. For the same reason, under 5 U.S.C. 553(d)(3), the Coast Guard also finds that good cause exists for making this temporary 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. The Captain of the Port Buffalo (COTP) has determined that a maritime fireworks show presents significant risks to public safety and property. Such hazards include premature and accidental detonations, dangerous projectiles, and falling or burning debris. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the fireworks show is taking place.

IV. Discussion of the Rule

This rule establishes a safety zone on July 2, 2017 from 9:30 p.m. until 10:15 p.m. The safety zone will encompass all waters of Lake Ontario, Oswego, NY contained within a 350-foot radius of position 43°27′56.82″ N. and 076°30′59.02″ W. (NAD 83).

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

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

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

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for a relatively short time. Also, the safety zone is designed to minimize its impact on navigable waters. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

B. Impact on Small Entities

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

605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This safety zone would be effective, and thus subject to enforcement for only forty-five minutes late in the evening. Traffic may be allowed to pass through the zone with the permission of the Captain of the Port. The Captain of the Port can be reached via VHF channel 16. Before the enforcement of the zone, we would issue local Broadcast Notice to Mariners.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that it is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a safety zone and, therefore it is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated in the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0324 to read as follows:

§ 165.T09–0324 Safety Zone; City of Oswego Independence Day Celebration; Lake Ontario, Oswego, NY.

(a) *Location.* This zone will encompass all waters of Lake Ontario, Oswego, NY contained within a 350-foot radius of position 43°27′56.82″ N. and 076°30′59.02″ W. (NAD 83).

(b) *Enforcement Period.* This rule is effective on July 2, 2017 from 9:30 p.m. until 10:15 p.m.

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

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

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

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: June 21, 2017.

J.S. DuFresne,

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

[FR Doc. 2017–13454 Filed 6–27–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0201]

RIN 1625–AA00

Safety Zone; Cleveland Construction Super Boat Grand Prix, Lake Erie, Fairport, OH

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on Lake Erie, Fairport, OH. This safety zone is intended to restrict vessels from a portion of Lake Erie during the Cleveland Construction Super Boat Grand Prix on July 22nd and 23rd, 2017. This temporary safety zone is necessary to protect personnel, vessels, and the marine environment from the potential hazards associated with a high speed boat race. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Buffalo.

DATES: This rule is effective from noon on July 22, 2017, through 5 p.m. on July 23, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0201 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email LT Ryan Junod, Chief of Waterways Management, U.S. Coast Guard Marine Safety Unit Cleveland; telephone 216–937–0124, email *ryan.s.junod@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
Pub. L. Public Law
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the event sponsor did not submit notice to the Coast Guard with sufficient time remaining before the event to publish an NPRM. Thus, delaying this rulemakingto wait for a comment period to run would be impracticable and contrary to the public interest by inhibiting the Coast Guard's ability to protect spectators and vessels from the hazards associated with a high speed boat race. For these same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Buffalo (COTP) has determined that potential hazards associated with high speed boat races would be a safety concern for anyone within the vicinity of the race course. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the fireworks display is happening.

IV. Discussion of the Rule

This rule establishes a safety zone from noon on July 22, 2017 through 5 p.m. on July 23, 2017. The safety zone will be enforced from noon through 5 p.m. on July 22, 2017 and from 10 a.m. through 5 p.m. on July 23, 2017. The safety zone will encompass all navigable waters of Lake Erie, off of Headlands Beach State Park, Fairport, OH inside an area starting on shore at position 41°44′33″ N., 081°19′14″ W. extending NW. in a straight line to position 41°45′00″ N., 081°19′35″ W., then NE. in a straight line to position 41°45′59″ N., 081°17′30″ W., and SE. back to the shore at position 41°45′43″ N., 081°17′08″ W. (NAD 83). No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for a relatively short time. Also, the safety zone is designed to minimize its impact on navigable waters. Furthermore, the safety zone has been designed to allow vessels to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the

reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting 5–7 hours each day that will prohibit entry within the high speed boat race course. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated in the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0201 to read as follows:

§ 165.T09–0201 Safety Zone; Cleveland Construction Super Boat Grand Prix; Lake Erie, Fairport, OH.

(a) *Location.* This zone will encompass all waters of Lake Erie, off of Headlands Beach State Park, Fairport, OH inside an area starting on shore at position 41°44′33″ N., 081°19′14″ W. extending NW. in a straight line to position 41°45′00″ N., 081°19′35″ W., then NE. in a straight line to position 41°45′59″ N., 081°17′30″ W., and SE. back to the shore at position 41°45′43″ N., 081°17′08″ W. (NAD 83).

(b) *Enforcement period.* This section will be enforced from noon through 5 p.m. on July 22, 2017, and from 10 a.m. through 5 p.m. on July 23, 2017.

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

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

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

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: June 22, 2017.

J.S. Dufresne,

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

[FR Doc. 2017–13504 Filed 6–27–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 35

[EPA–HQ–OW–2016–0568; FRL–9964–19–OW]

RIN 2040–AF64

Fees for Water Infrastructure Project Applications Under WIFIA

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: With this rule EPA establishes fees related to the provision of federal credit assistance under Subtitle C of the Water Resources Reform and Development Act of 2014 (WRRDA), which is referred to as the Water Infrastructure Finance and Innovation Act of 2014 (WIFIA). WIFIA authorizes EPA to provide secured (direct) loans and loan guarantees to eligible water infrastructure projects and to charge fees to recover all or a portion of the Agency's cost of providing credit assistance and the costs of retaining expert firms, including financial, engineering, and legal services, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

DATES: *Effective date:* June 28, 2017.

FOR FURTHER INFORMATION CONTACT: Jordan Dorfman, Water Infrastructure Division, Office of Wastewater Management, Mail Code 4201C, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202)564–0614; email address: *dorfman.jordan@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

A. Does this action apply to me?

This action only applies to entities seeking credit assistance under the WIFIA program for the development and construction of a water infrastructure project. EPA has published an interim final rule to implement this new credit assistance program. A list of eligible entities and eligible projects can be found in the Interim Final Rule entitled, ''Credit Assistance for Water Infrastructure Projects.'' This interim final rule is available at Docket ID No. EPA–HQ–OW–2016–0569, at *http://www.regulations.gov*.

B. What action is the Agency taking?

EPA is establishing fees associated with the provision of federal credit assistance under the WIFIA program. WIFIA authorizes EPA to provide secured (direct) loans and loan guarantees to eligible water infrastructure projects. EPA has published an Interim Final Rule entitled, ''Credit Assistance for Water Infrastructure Projects'' to establish procedures for the implementation of the WIFIA Program. As specified under 33 U.S.C. 3908(b)(7), 3909(b), and 3909(c)(3), Congress in WIFIA authorizes EPA to charge fees to recover all or a portion of the Agency's cost of providing credit assistance and the costs of retaining expert firms, including financial, engineering, and legal services, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments. EPA is establishing an application fee, credit processing fee, servicing fee, optional supplemental fee, and fee for extraordinary expenses to cover these costs to the extent not covered by congressional appropriations.

C. What is the Agency's authority for taking this action?

This final rule is issued under the authority of 33 U.S.C. 3908(b)(7), 3909(b), 3909(c)(3), and 3911.

D. What fees are being established?

In the Interim Final Rule entitled, ''Credit Assistance for Water Infrastructure Projects,'' EPA established an application process for WIFIA credit assistance that is divided into two steps. The first step requires the submission of a letter of interest. No fees are established for the letter of interest step. Projects selected to continue in the application process will then be invited to submit an application at which time the application fee must be paid. For this second step, EPA will only select those projects that it expects might reasonably proceed to closing. For more information on this process, please refer to the WIFIA Implementation Rule at 40 CFR part 35 subpart Q or in Docket ID No. EPA–HQ–OW–2016–0569, at *http://www.regulations.gov*. Consequently, EPA anticipates that the fees established in this rule will apply only to projects EPA expects are likely to proceed to closing. Detailed application information is contained in a program guide developed by EPA and posted on the WIFIA Web site at: *http://www.epa.gov/wifia*. This two-step process limits the time, cost, and effort required to be expended by prospective borrowers prior to having a reasonable expectation of funding by WIFIA.

As described in greater detail below, the types of fees EPA is establishing are consistent with other Federal Credit programs. In particular, the WIFIA program was designed by Congress to resemble the Transportation Infrastructure Finance and Innovation Act program, commonly known as TIFIA. Accordingly, to the extent practicable, the WIFIA program has been crafted by EPA to be implemented in a similar manner as the Department of Transportation implements the TIFIA program. The rationale for establishing these fees is to cover EPA's costs of administering the program to the extent these costs are not covered by congressional appropriations. To effectively administer the program, EPA will incur both internal administrative costs (staffing, program support contracts, and other costs) as well as the costs of retaining expert firms, including legal, engineering, and financial services, in the field of municipal and project finance, to assist in the underwriting of the Federal credit instrument.

The Water Infrastructure Improvements for the Nation Act of 2016, Pub. L. 114–332, in section 5008(c), amended WIFIA to allow, at the request of an applicant, the financing of fees as part of the loan. While not reflected in this rule, the ability to finance fees as part of a WIFIA loan is an option available to applicants. EPA will publish additional information or guidance, as necessary, on its Web site at: *http://www.epa.gov/wifia*.

Application Fee

EPA will require a non-refundable application fee for each project that is invited to submit an application (second step following submission of letter of interest) for credit assistance under WIFIA. The application fee will be due upon submission of the application. For fiscal year 2017, the application fee is $25,000 for applications for projects serving small communities (population of not more than 25,000 people). For all other project applications, the application fee is $100,000. These application fees represent an amount equal to 0.5 percent of the minimum threshold project cost ($5 million for small communities and $20 million for larger communities, 33 U.S.C. 3907(a)(2)), which EPA considers to be sufficient to begin the financial, engineering, and legal analysis of the project while providing assurance that the applicant intends to proceed to closing, and therefore costs incurred by EPA may be recovered. EPA will undertake significant costs to evaluate applications and hire expert firms for underwriting and considers an application fee essential for applicants

to show good faith in applying for assistance, to help cover the agency's administrative costs in processing applications, and to ensure effective administration of the program. These fees will be required at the time of submission of the application, and the application will not be reviewed without fee payment. Because EPA will only invite projects to submit an application and application fee if the project is reasonably expected to proceed to closing, no applicant would pay a fee without a reasonable expectation that the project could receive funding.

For fiscal years 2018 and beyond, EPA may need to adjust the amount of the application fee based on early program implementation experience. A change in the application fee will not change the total fees charged, only the initial fee which is credited to the final fee at closing, or in the event that the project does not proceed to closing, at withdrawal or denial of the application.

Credit Processing Fee

EPA will require a credit processing fee at the time of closing, or in the event that the project does not proceed to closing, *e.g.,* if the application is withdrawn or denied, for projects selected to submit an application. The proceeds of any such fees will be used to pay the remaining portion of EPA's cost of providing credit assistance and the costs of retaining expert firms, including legal, engineering, and financial services, in the field of municipal and project finance to assist in the underwriting of the Federal credit instrument. The initial application fee described above will be credited to the credit processing fee. For example, if the total credit processing fee is $400,000 and the applicant pays $100,000 with the application, $300,000 will be due at closing, or in the event that the project does not proceed to closing, *e.g.,* if the application is withdrawn or denied. The total credit processing fee for each project will be set based on the costs incurred by EPA for that specific project. Due to the nature of credit processing, the amount is expected to vary among applicants. This variation is a reflection of the amount of time taken to process a loan, which may not directly correlate with the size of the loan. More complicated transactions with lengthy negotiations will have higher costs. EPA estimates these costs could be in the range of approximately $350,000–$700,000 per project, broken down as follows:

- *Financial advisor:* $100,000 to $250,000 per project;
- *Law firm:* $200,000 to $350,000 per project; and
- *Engineering firm:* $50,000 to $100,000 per project.

EPA may waive a portion of the fee charged to an applicant in the event that Congress appropriates resources adequate to pay for EPA's cost of administering the WIFIA program as well as additional funding to pay for loan processing. WIFIA currently provides that EPA may retain $2.2 million annually from funds appropriated to the program to pay for the administration of the program, including internal administrative costs of staffing, program support contracts (separate from the expert services described previously), and other internal administrative needs.

To the extent Congress appropriates administrative funds in excess of those needed for EPA's internal administrative costs, EPA may use the remaining available administrative allowance (less any amount needed for future years' administration) to reduce fees. EPA will allocate additional administrative funds by reducing fees by an equal amount per loan for those projects that serve a population with a median household income that is 80 percent or less of the state median household income. If additional administrative funds remain, EPA will reduce fees by an equal amount per loan for those projects serving a population of not more than 25,000. If additional administrative funds still remain, EPA will reduce fees by an equal amount for each remaining loan.

Servicing Fee

EPA will charge an annual servicing fee during repayment of the loan. The fee will be dependent on the costs of servicing the credit instrument (*e.g.* collecting and processing loan principal and interest payments) as determined by the Administrator. Such fees will be set at a level to enable the Agency to recover all or a portion of the costs to the Federal Government of servicing WIFIA credit instruments and will be determined at the time of closing. EPA expects such fees to range from $12,000 to $15,000 annually per loan.

Optional Supplemental Fee

EPA may charge a fee, with agreement of the applicant, to reduce the budget authority required to fund the credit instrument. Although EPA considers it unlikely that a scenario will arise under which it would assess such a fee, the Agency sees benefit in establishing the flexibility to allow an applicant to ''buy down'' the budget authority required for the credit instrument. This could allow an applicant to proceed to closing in the event that sufficient budget authority would not otherwise be available. Such a fee will only be charged upon agreement by an applicant.

Extraordinary Expenses Fee

EPA may charge a fee to cover extraordinary expenses in the event that a borrower experiences difficulty relating to technical, financial, or legal matters or other events (*e.g.,* engineering failure or financial workouts) that require EPA to incur time or expenses beyond standard monitoring. EPA will be entitled to payment in full from the borrower of additional fees in an amount determined by EPA and of related fees and expenses of its independent consultants and outside counsel, that are incurred directly by EPA and not paid directly by the borrower.

III. Summary of Public Comments and EPA Responses

The Agency received comments from eight commenters on the proposed rule. The comments, including the Agency's responses, are included in the docket for this rulemaking. Responses to the most significant comments are included in this section. This section addresses comments regarding the rationale used to establish the application fee amount and the method by which EPA will reduce fees in the event additional sufficient resources are available for such a purpose.

A. Rationale for Establishing Application Fee

With respect to the establishment of the application fee, and the lower fee level set for projects serving small communities of under 25,000, one commenter suggested that EPA establish more than two levels for the application fee. The commenter stated that as proposed, the application fee for a community of 50,000 would be the same as for a large metropolitan area. The commenter also suggested an alternative to setting fee levels by population by basing the fee levels on project size.

EPA appreciates the commenters suggestions but will not adopt the suggestions. The application fee was established at $100,000 in order to allow the Agency to begin the financial and legal analysis of the project while providing assurance that the applicant intends to proceed to closing, and therefore costs incurred by the Agency may be recovered. The reduced fee was established based on the statutory allowance for project serving communities of under 25,000 to apply for loans where total eligible costs are at

least $5 million, as opposed to the minimum of $20 million required of all other applicants. The reduced application fee allows small communities with fewer resources to begin the application process. Creating a reduced application fee for such communities logically follows the statutory allowance for reduced project size for such communities. Setting application fee levels by project size does not correlate to the ability of an applicant to pay the application fee. Small communities with large projects would struggle to pay a much higher application fee, while large metropolitan areas that can easily pay the application fee might see a reduced fee.

Another commenter stated that in order to not discourage applications for projects serving low-income communities, WIFIA application fees should be waivable or greatly reduced for those projects that serve a population with a median household income that is at least 80 percent or less of the state median household income. The commenter proposes that economically stressed communities regardless of size be eligible for application fee waivers or substantial application fee reduction.

EPA appreciates the commenters proposal, but will not adopt the proposal. As previously stated, the application fee was established at $100,000 in order to allow the Agency to begin the financial and legal analysis of the project while providing assurance that the applicant intends to proceed to closing, and therefore costs incurred by the Agency may be recovered. A reduction or waiver of the application fee would remove the incentive for communities to proceed to closing by eliminating the risk of losing the application fee. EPA expects fewer small community applicants entitled to the reduced fee than applicants that can show economic stress. If a significant number of applicants receive an application fee waiver or reduction, EPA will be unable to begin the financial and legal analysis required for each project applicant due to limited resources. As previously stated, if sufficient resources exist for EPA to reduce fees, such resources will be used to reduce the fees of applicants that serve a population with a median household income that is at least 80 percent or less of the state median household income.

B. Methodology To Reduce Fees in the Event Additional Sufficient Resources Are Available

In paragraph (f) of the final rule language, EPA has the authority to reduce the credit processing fee established under paragraph (c), to the extent that Congress appropriates funds in any given year beyond those sufficient to cover internal administrative costs. In the proposed rule, EPA proposed three alternative methods by which the Agency could allocate additional administrative funds to reduce fees:

- By reducing fees by an equal amount per loan in the relevant year;
- By reducing fees by an equal amount per loan for those projects serving a population of not more than 25,000; or
- By reducing fees by an equal amount per loan for those projects that serve a population with a median household income that is 80 percent or less of the state median household income.

Alternatively, EPA could allocate such fee reductions through a combination of these three methods. EPA requested comment on each of these potential options or other potential approaches. EPA received three comments related to this request.

The first commenter suggested that a combination of the three methods should be used and that EPA should first reduce or eliminate credit processing fees charged to applicants for projects that primarily serve a population with a median household income of 80 percent or less of the state median household income. The commenter's rationale is that this approach will target fee relief toward communities that are likely facing some of the most significant water affordability challenges, and whose residents could most benefit from both low-cost financing and fee relief. The commenter suggested that any remaining funding available after eliminating credit processing fees in these low-income communities should be used to reduce the credit processing fees for all of that year's remaining applicants by a pro-rata percentage of the total credit processing fees paid by the applicant. Any forgiveness of credit processing fees should be calculated on the balance of these fees after the credit for payment of an application fee has been applied.

The second commenter suggested that EPA should first reduce the credit processing fee for communities for whom the fees would impose the greatest financial hardship. The commenter stated that EPA should reduce applicant fees by an equal amount per loan for those projects that serve a population with a median household income that is 80 percent or less of the state median household income. Once fees have been reduced for hardship communities, any remaining funds should be used to reduce credit processing fees by an equal amount per loan for projects serving communities with populations of under 25,000.

The third commenter suggested that EPA reduce fees on a pro-rata share based on loan size.

EPA appreciates the comments received on this important issue and agrees with the first and second commenters that a combination of methods should be used to reduce the credit processing fees of applicants to the extent that Congress appropriates funds in any given year beyond those sufficient to cover internal administrative costs. The Agency agrees that the most important use of these additional funds is to reduce the impact of the fees on the neediest applicants. In order to reduce the impact of fees on those applicants most in need, EPA will reduce the credit processing fee, to the extent possible, by an equal amount per loan, on a dollar basis, for those projects that serve a population with a median household income that is 80 percent or less of the state median household income. If funds remain, EPA will then reduce fees by an equal amount per loan, on a dollar basis, for those projects serving a population of not more than 25,000. If funds still remain, EPA will reduce fees by an equal amount per loan, on a dollar basis, for all remaining loans. EPA cannot reduce fees as a percentage of the credit processing fee paid by an applicant because the total credit processing fee for each loan will not be known until loan closing.

EPA appreciates the third commenter's suggestion, but will not adopt the suggestion. The credit processing fee is not determined by loan size. The estimated range of the credit processing fee is based on the complexity of the underlying transaction and the difficulty or length of time of negotiations. Therefore, between two applicants, one with a greater loan size may have a smaller fee. Providing greater relief to applicants charged a smaller fee, irrespective of need, does not align with the Agency's desire to provide relief to the neediest applicants.

IV. Statutory and Executive Orders Reviews

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

This action is not a significant regulatory action.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the PRA because this rule merely establishes fees associated with a previously promulgated rule.

C. Regulatory Flexibility Act

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. Participation in the WIFIA loan program is voluntary. While many projects serving small communities are potentially eligible for WIFIA loans, we anticipate only one to two small community applications per year as small communities have access to below market rate loans and other subsidies through the Clean Water State Revolving Fund, the Drinking Water State Revolving Fund, and other funding sources. A small community will only apply and undertake a WIFIA loan in cases where the WIFIA loan provides positive economic benefits relative to other potential funding sources, based upon consideration of relevant economic factors, including loan rate, loan terms, fees and other transaction costs. I 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 an unfunded mandate of $100 million or more 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. While a tribal government, or a consortium of tribal governments may apply for WIFIA credit assistance, this action does not have substantial direct effects 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.

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

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because environmental health or safety risks are not addressed by this action.

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. This rulemaking simply imposes fees required to apply for credit assistance; therefore, by itself, this rulemaking will not have any effect on the supply, distribution or use of energy.

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

This action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard.

K. National Environmental Policy Act

Each project obtaining assistance under this program is required to adhere to the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*). This rulemaking simply imposes fees required to apply for credit assistance; therefore, by itself, this rulemaking will not have any effect on the quality of the environment.

L. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 35

Environmental protection, Reporting and recordkeeping requirements, and Water finance.

Dated: June 19, 2017.

E. Scott Pruitt,

Administrator.

For the reasons set forth in the preamble, 40 CFR part 35 is amended as follows:

PART 35—STATE AND LOCAL ASSISTANCE

■ 1. The authority citation for part 35 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*; 33 U.S.C. 1251 *et seq.*; 42 U.S.C. 300f *et seq.*; 42 U.S.C. 6901 *et seq.*; 7 U.S.C. 136 *et seq.*; 15 U.S.C. 2601 *et seq.*; 42 U.S.C. 13101 *et seq.*; Pub. L. 104–134, 110 Stat. 1321, 1321–299 (1996); Pub. L. 105–65, 111 Stat. 1344, 1373 (1997), 2 CFR 200.

■ 2. Add § 35.10080 to read as follows:

§ 35.10080 Fees.

(a) *Application fee.* EPA will require a non-refundable application fee for each project applying for credit assistance under the WIFIA program. An application fee will be due upon submission of the complete application. For applications for projects serving small communities (population of not more than 25,000 people), this application fee will be $25,000. For all other applications, this application fee will be $100,000. The initial application fee will be credited to the credit processing fee required under paragraph (c) of this section.

(b) *Adjustment of application fee.* For each application and approval cycle, EPA may adjust the amount of the application fee described in paragraph (a) of this section based on program implementation experience and cost expectations. EPA will publish this amount in each **Federal Register** solicitation for letters of interest.

(c) *Credit processing fee.* Except as otherwise provided in paragraph (f) of this section, EPA will require an additional credit processing fee for projects selected to receive WIFIA assistance upon closing, or in the event that the project does not proceed to closing, *e.g.,* if the application is

withdrawn or denied. The proceeds of any such fees will be used to pay the remaining portion of the Agency's cost of providing credit assistance and the costs of retaining expert firms, including financial, engineering, and legal services, in the field of municipal and project finance, to assist in the underwriting of the Federal credit instrument. All of, or a portion of, this fee may be waived.

(d) *Servicing fee.* EPA will require borrowers to pay a servicing fee for each credit instrument approved for funding. Separate fees may apply for each type of credit instrument (*e.g.,* a loan guarantee, a secured loan with a single disbursement, or a secured loan with multiple disbursements), depending on the costs of servicing the credit instrument as determined by the Administrator. Such fees will be set at a level sufficient to enable the EPA to recover all or a portion of the costs to the Federal Government of servicing WIFIA credit instruments.

(e) *Optional supplemental fee.* If, in any given year, there is insufficient budget authority to fund the credit instrument for a qualified project that has been selected to receive assistance under WIFIA, EPA and the approved applicant may agree upon a supplemental fee to be paid by or on behalf of the approved applicant at the time of execution of the term sheet to reduce the subsidy cost of that project. No such fee may be included among eligible project costs.

(f) *Reduced fees.* To the extent that Congress appropriates funds in any given year beyond those sufficient to cover internal administrative costs, EPA may utilize such appropriated funds to reduce fees that would otherwise be charged under paragraph (c) of this section.

(g) *Extraordinary expenses.* EPA may require payment in full by the borrower of additional fees, in an amount determined by EPA, and of related fees and expenses of its independent consultants and outside counsel, to the extent that such fees and expenses are incurred directly by EPA and to the extent such third parties are not paid directly by the borrower, in the event that a borrower experiences difficulty relating to technical, financial, or legal matters or other events (*e.g.,* engineering failure or financial workouts) which require EPA to incur time or expenses beyond standard monitoring.

[FR Doc. 2017–13438 Filed 6–27–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 81

[EPA–HQ–OAR–2017–0223; FRL–9964–37–OAR]

Extension of Deadline for Promulgating Designations for the 2015 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of deadline for promulgating designations.

SUMMARY: The Environmental Protection Agency (EPA) is announcing that it is using its authority under the Clean Air Act (CAA) to extend by 1 year the deadline for promulgating initial area designations for the ozone national ambient air quality standards (NAAQS) that were promulgated in October 2015. The new deadline is October 1, 2018.

DATES: The deadline for the EPA to promulgate initial designations for the 2015 ozone NAAQS is October 1, 2018.

FOR FURTHER INFORMATION CONTACT: For questions regarding this action, contact Denise Scott, Air Quality Planning Division, Office of Air Quality Planning and Standards, Mail Code C539–04, Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–4208; email address: *scott.denise@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

Entities potentially affected by this action include state, local and tribal governments that would participate in the initial area designation process for the 2015 ozone standards.

B. Where can I get a copy of this document and other related information?

The EPA has established a docket for designations for the 2015 ozone NAAQS under Docket ID No. EPA–HQ–OAR–2017–0223. All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the EPA Docket Center EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

An electronic copy of this notice is also available at *http://www.epa.gov/ozone-designations* along with other information related to designations for the 2015 ozone NAAQS.

II. Designations Requirements

On October 1, 2015, the EPA signed a notice of final rulemaking that revised the 8-hour primary and secondary ozone NAAQS (80 FR 65292; October 26, 2015). The primary standard was lowered from 0.075 parts per million (ppm) to a level of 0.070 ppm. The EPA also revised the secondary standard by making it identical in all respects to the revised primary standard. (The previous ozone NAAQS were set in 2008 and remain effective.)

After the EPA establishes or revises a NAAQS pursuant to CAA section 109, the CAA directs the EPA and the states to begin taking steps to ensure that those NAAQS are met. The first step is to identify areas of the country that do not meet the new or revised NAAQS. This step is known as the initial area designations. Section 107(d)(1)(A) of the CAA provides that, ''By such date as the Administrator may reasonably require, but not later than 1 year after promulgation of a new or revised national ambient air quality standard for any pollutant under section [109], the Governor of each State shall * * * submit to the Administrator a list of all areas (or portions thereof) in the State'' that designates those areas as nonattainment, attainment, or unclassifiable. The CAA defines an area as nonattainment if it is violating the NAAQS or if it is contributing to a violation in a nearby area. 42 U.S.C. 7407(d)(1)(A)(i).

The CAA further provides, ''Upon promulgation or revision of a national ambient air quality standard, the Administrator shall promulgate the designations of all areas (or portions thereof) * * * as expeditiously as practicable, but in no case later than 2 years from the date of promulgation of the new or revised national ambient air quality standard. Such period may be extended for up to one year in the event the Administrator has insufficient information to promulgate the

designations.'' 42 U.S.C. 7407(d)(1)(B)(i).

After the states submit their recommendations, but no later than 120 days prior to promulgating designations, the EPA is required to notify a state of any intended modifications to the state's recommended designation. The state then has an opportunity to demonstrate why any proposed modification is inappropriate. Whether or not a state provides a recommendation, the EPA must promulgate the designation that the agency deems appropriate within 2 years of promulgation of the NAAQS (or within 3 years if the EPA extends the deadline).

For the 2015 ozone NAAQS, the deadline for states to submit designation recommendations to the EPA for their areas was October 1, 2016. The EPA has been evaluating these recommendations and conducting additional analyses to determine whether it is necessary to modify any of the state recommendations.

III. Extension of Deadline for Promulgating Designations for the 2015 NAAQS

In this action, the EPA is announcing that it is using its authority under section 107(d)(1)(B)(i) of the CAA to extend by 1 year the deadline for promulgating initial area designations for the 2015 ozone NAAQS. The new deadline is October 1, 2018. For the reasons explained in this notice, the EPA Administrator has determined that there is insufficient information to complete the designations by October 1, 2017.

Following the recent change in administrations, the agency is currently evaluating a host of complex issues regarding the 2015 ozone NAAQS and its implementation, such as understanding the role of background ozone levels and appropriately accounting for international transport. The Administrator has determined that he cannot assess whether he has the necessary information to finalize designations until additional analyses from this evaluation are available. In addition, pursuant to language in the recently-enacted Fiscal Year 2017 omnibus bill, the Administrator is establishing an Ozone Cooperative Compliance Task Force to develop additional flexibilities for states to comply with the ozone standard. It is possible the outcome of that effort could identify flexibilities that could impact the designations process. In light of the analyses currently underway at the agency, the Administrator has determined he needs additional time to consider completely all designation recommendations provided by state governors pursuant to CAA section 107(d)(1)(A), including full consideration of exceptional events impacting designations, and determine whether they provide sufficient information to finalize designations. We also note that new agency officials are currently reviewing the 2015 ozone NAAQS rule. The Administrator has determined that in light of the uncertainty of the outcome of that review, there is insufficient information to promulgate designations by October 1, 2017.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: June 21, 2017.

E. Scott Pruitt,

Administrator.

[FR Doc. 2017–13437 Filed 6–27–17; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 82, No. 123
Wednesday, June 28, 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 JUSTICE

2 CFR Chapter XXVII

5 CFR Chapter XXVIII

8 CFR Chapter V

21 CFR Chapter II

27 CFR Chapter II

28 CFR Chapters I, III, V, and VI

31 CFR Chapter IX

40 CFR Chapter IV

41 CFR Chapter 128

45 CFR Chapter V

48 CFR Chapter 28

[Docket No. OLP 164]

Enforcing the Regulatory Reform Agenda; Department of Justice Task Force on Regulatory Reform Under E.O. 13777

AGENCY: Department of Justice.

ACTION: Request for public comment.

SUMMARY: Pursuant to Executive Order 13777, the Department of Justice's Regulatory Reform Task Force is publishing this Notice to solicit public suggestions for subjects meriting the Task Force's attention.

DATES: Written comments must be postmarked and electronic comments must be submitted on or before August 14, 2017. Commenters should be aware that the electronic Federal Docket Management System (FDMS) will accept comments submitted prior to Midnight Eastern Time on the last day of the comment period.

ADDRESSES: To ensure proper handling of comments, please reference ''Docket No. OLP 164'' on all electronic and written correspondence. The Department encourages all comments be submitted electronically through *http://www.regulations.gov* using the electronic comment form provided on that site. An electronic copy of this document is also available at *http://www.regulations.gov* for easy reference. Paper comments that duplicate the electronic submission are not necessary as the comments submitted to *http://www.regulations.gov* will be posted for public review and are part of the official docket record. Should you, however, wish to submit written comments by mail, they should be addressed to Robert Hinchman, Senior Counsel, Office of Legal Policy, U.S. Department of Justice, Room 4252 RFK Building, 950 Pennsylvania Avenue NW., Washington, DC 20530.

FOR FURTHER INFORMATION CONTACT: Robert Hinchman, (202) 514–8059. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments. Please note that all comments received are considered part of the public record and made available for public inspection online at *http://www.regulations.gov*. If you wish to inspect the agency's public docket file in person by appointment, please see the paragraph above entitled **FOR FURTHER INFORMATION CONTACT.**

Such information includes personal identifying information (such as your name, address, *etc.*) voluntarily submitted by the commenter. If you do not wish personally identifying information to be posted online, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You must also place all the personal identifying information you do not want posted online or made available in the public docket in the first paragraph of your comment and identify what information you want redacted. Personal identifying information identified and located as set forth above will be placed in the agency's public docket file, but not posted online.

Overview

In February 2017, the President issued Executive Order 13777, ''Enforcing the Regulatory Reform Agenda,'' which sets forth principles and requirements for each agency to evaluate and implement measures to lower regulatory burdens on the American people. Specifically, the Executive Order directs each agency's Regulatory Reform Task Force to identify regulatory actions that do the following:

(i) Eliminate jobs, or inhibit job creation;

(ii) are outdated, unnecessary, or ineffective;

(iii) impose costs that exceed benefits;

(iv) create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;

(v) are inconsistent with the requirements of the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act, 2001, 44 U.S.C. 3516 note), or OMB Information Quality Guidance issued pursuant to that provision, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or

(vi) derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

Section 3(e) of this Order directs each agency's Regulatory Reform Task Force to seek input and other assistance, as permitted by law, from entities significantly affected by existing Federal regulations (as defined in Section 4 of Executive Order 13771) including State, local, and tribal governments, small businesses, consumers, non-governmental organizations, and trade associations. Pursuant to Executive Order 13777 and as one part of a broader consultation effort, the Department of Justice's Regulatory Reform Task Force is publishing this Notice to solicit public suggestions for subjects meriting the Task Force's attention.

Request for Comments

The Task Force seeks public comment for two purposes. First, the Task Force seeks comments from the public on the various kinds of actions taken by the Department's components that the public perceives to be regulatory in nature even if they are issued in a form other than rules promulgated upon notice and comment. For purposes of this inquiry, the public may perceive an action to be regulatory in nature if it imposes binding requirements on any person or entity outside the federal government or if it states criteria that a Department component will use to assess compliance with such a binding requirement.

Second, the Task Force seeks suggestions from the public for specific regulatory actions previously taken by the Department that should be repealed, replaced, or modified, consistent with applicable law. In particular, the Task Force welcomes specific comments that identify regulatory actions that meet the criteria as proscribed in Executive Order 13777.

The Department's Regulatory Reform Task Force will consider public comments as it conducts its own evaluation of the Department's regulations in order to identify candidate regulations for repeal, replacement, or modification.

The Department notes that this Request for Comment is issued solely for information and planning purposes. The Department will give careful consideration to the comments, and may use them as appropriate during its review, but we do not anticipate providing a point-by-point response to each comment submitted. While responses to this Request for Comments do not bind the Department to any further actions related to the response, all submissions will be made publicly available on *http://www.regulations.gov.*

Dated: June 21, 2017.

Rachel L. Brand,

Associate Attorney General, Chair, Regulatory Reform Task Force.

[FR Doc. 2017–13551 Filed 6–27–17; 8:45 am]

BILLING CODE 4410–BB–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2017–0089]

RIN 3150–AK03

List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM Flood/Wind Multipurpose Canister Storage System, Certificate of Compliance No. 1032, Amendment No. 3

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its spent fuel storage regulations by revising the Holtec International (Holtec) HI–STORM Flood/Wind (FW) Multipurpose Canister (MPC) Storage System listing within the ''List of Approved Spent Fuel Storage Casks'' to include Amendment No. 3 to Certificate of Compliance (CoC) No. 1032. Amendment No. 3 revises authorized contents to allow burnup credit for fuel types in the MPC–37 and revises CoC Condition 8, which has been previously incorporated in Amendment No. 2 to CoC No. 1032.

DATES: Submit comments by July 28, 2017. Comments received after this date will be considered if it is practical to do so, but the NRC staff is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0089. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Vanessa Cox, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–8342; email: *Vanessa.Cox@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0089 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0089.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2017–0089 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Rulemaking Procedure

This proposed rule is limited to the changes contained in Amendment No. 3 to CoC No. 1032 and does not include other aspects of the Holtec HI–STORM FW MPC Storage System design. Because the NRC considers this action noncontroversial and routine, the NRC is publishing this proposed rule concurrently with a direct final rule in the Rules and Regulations section of this issue of the **Federal Register**. Adequate protection of public health and safety continues to be ensured. The direct final rule will become effective on September 11, 2017. However, if the NRC receives significant adverse comments on this proposed rule by July 28, 2017, then the NRC will publish a document that

withdraws the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments received in response to these proposed revisions in a subsequent final rule. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action in the event the direct final rule is withdrawn.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC staff to make a change (other than editorial) to the rule, CoC, or Technical Specifications.

For additional procedural information and the regulatory analysis, see the direct final rule published in the Rules and Regulations section of this issue of the **Federal Register**.

III. Background

Section 218(a) of the Nuclear Waste Policy Act (NWPA) of 1982, as amended, requires that ''the Secretary [of the Department of Energy] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.'' Section 133 of the NWPA states, in part, that ''[the Commission] shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 219(a) [sic: 218(a)] for use at the site of any civilian nuclear power reactor.''

To implement this mandate, the Commission approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule which added a new subpart K in part 72 of title 10 of the *Code of Federal Regulations* (10 CFR) entitled, ''General License for Storage of Spent Fuel at Power Reactor Sites'' (55 FR 29181; July 18, 1990). This rule also established a new subpart L in 10 CFR part 72 entitled, ''Approval of Spent Fuel Storage Casks,'' which contains procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a final rule dated March 28, 2011 (76 FR 17019), that approved the Holtec HI–STORM FW MPC Storage System design and added it to the list of NRC-approved cask designs in 10 CFR 72.214 as CoC No. 1032.

IV. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, well-organized manner that also follows other best practices appropriate to the subject or field and the intended audience. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31883). The NRC requests comment on the proposed rule with respect to clarity and effectiveness of the language used.

V. Availability of Documents

The documents identified in the following table are available to interested persons as indicated.

Document	ADAMS Accession No.
Holtec CoC No. 1032, Amendment No. 3—Amendment Request Letter dated December 18, 2015	ML15364A561
Holtec CoC No. 1032, Amendment No. 3—Modified Request Letter dated April 22, 2016	ML16113A398
Holtec CoC No. 1032, Amendment No. 3—Response to RAI Regarding HI–STORM FW Amendment 3 dated June 22, 2016	ML16180A360
Holtec CoC No. 1032, Amendment No. 3—Transmittal of Response to HI–STORM FW Amendment 3 Response to Second Request for Additional Information dated August 22, 2016.	ML16236A243
Proposed CoC No. 1032, Amendment No. 3	ML16292A552
Proposed CoC No. 1032, Amendment No.3—Appendix A	ML16292A580
Proposed CoC No. 1032, Amendment No. 3—Technical Specifications, Appendix B	ML16292A623
CoC No. 1032, Amendment No. 3—Preliminary Safety Evaluation Report	ML16292A650

The NRC may post materials related to this document, including public comments, on the Federal Rulemaking Web site at *http://www.regulations.gov* under Docket ID NRC–2017–0089. The Federal Rulemaking Web site allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC–2017–0089); (2) click the ''Sign up for Email Alerts'' link; and (3) enter your email address and select how frequently you would like to receive emails (daily, weekly, or monthly).

List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Hazardous waste, Indians, Intergovernmental relations, Manpower training programs, Nuclear energy, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Waste Policy Act of 1982, as amended; and 5 U.S.C. 552 and 553; the NRC is proposing to adopt the following amendments to 10 CFR part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

■ 1. The authority citation for part 72 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2210e, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 117(a), 132, 133, 134, 135, 137, 141, 145(g), 148, 218(a) (42 U.S.C. 10137(a), 10152, 10153, 10154, 10155, 10157, 10161, 10165(g), 10168, 10198(a)); 44 U.S.C. 3504 note.

■ 2. In § 72.214, Certificate of Compliance 1032 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1032.

Initial Certificate Effective Date: June 13, 2011, superseded by Amendment Number 0, Revision 1, on April 25, 2016.

Amendment Number 0, Revision 1, Effective Date: April 25, 2016.

Amendment Number 1 Effective Date: December 17, 2014, superseded by Amendment Number 1, Revision 1, on June 2, 2015.

Amendment Number 1, Revision 1, Effective Date: June 2, 2015.

Amendment Number 2, Effective Date: November 7, 2016.

Amendment Number 3, Effective Date: September 11, 2017.

SAR Submitted by: Holtec International, Inc.

SAR Title: Final Safety Analysis Report for the Holtec International HI–STORM FW System.

Docket Number: 72–1032.

Certificate Expiration Date: June 12, 2031.

Model Number: HI–STORM FW MPC–37, MPC–89.

* * * * *

Dated at Rockville, Maryland, this 14th day of June 2017.

For the Nuclear Regulatory Commission.

Victor M. McCree,

Executive Director for Operations.

[FR Doc. 2017–13513 Filed 6–27–17; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 33

[Docket No. FAA–2017–0586; Notice No. 33–17–01–SC]

Special Conditions: Safran Aircraft Engines, Silvercrest-2 SC–2D; Rated Takeoff Thrust at High Ambient Temperature

Correction

Proposed Rule document 2016–13305 appearing on pages 28788 through 28790 in the issue of Monday, June 26, 2017 was withdrawn from public inspection and published in error. It should be removed.

[FR Doc. C1–2017–13305 Filed 6–27–17; 8:45 am]

BILLING CODE 1505–01–D

FEDERAL TRADE COMMISSION

16 CFR Part 303

RIN 3084–AB28

Rules and Regulations Under the Textile Fiber Products Identification Act

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes amending the Textile Rules (''Rules and Regulations under the Textile Fiber Products Identification Act'') to delete the requirement that an owner of a registered word trademark furnish the FTC with a copy of the mark's registration with the United States Patent and Trademark Office (''USPTO'') before using the mark on labels, and to no longer restrict the use of such trademarks to only those also employed as house marks. Eliminating these requirements is expected to reduce compliance costs while increasing firms' flexibility.

DATES: Written comments must be received on or before July 31, 2017.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Textile Rules, 16 CFR part 303, Project No. P948404'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/textilerulesnprm* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex C), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex C), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Robert M. Frisby, Attorney, (202) 326–2098, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Commission recently announced a new initiative to eliminate or change outdated, unnecessary regulations and processes.[1] While the textile regulation at issue here does not impose large costs on business, the cumulative burden of unnecessary regulations can impose significant costs and undermine the efficiency with which government delivers services to the public. With these concerns in mind, the Commission now proposes eliminating the requirement in 16 CFR 303.19(a) that businesses furnish the Commission with registered word trademarks prior to using these marks to satisfy the Textile Rules. Eliminating this requirement is expected to reduce compliance costs while increasing firms' flexibility.

Specifically, the Textile Fiber Products Identification Act (''Textile Act'')[2] and implementing rules (''Textile Rules'') require marketers to, among other things, attach a label to each covered textile product disclosing: (1) The generic names and percentages by weight of the constituent fibers in the product; (2) the name under which the manufacturer or other responsible company does business or, in lieu thereof, the company's registered identification number (''RN number''); and (3) the name of the country where the product was processed or manufactured.[3] Section 303.19 allows the owners of registered word trademarks who use these trademarks as house marks to disclose such trademarks on labels in lieu of their business names. However, before doing so, the company must file a copy of the trademark's USPTO registration with the Commission. This requirement was imposed in 1959 presumably to obviate

[1] *https://www.ftc.gov/news-events/press-releases/2017/04/process-reform-initiatives-are-already-underway-federal-trade.>*

[2] 15 U.S.C. 70 *et seq.*

[3] *See* 15 U.S.C. 70b(b).

the need for the Commission to obtain from the USPTO paper copies of trademark registrations. However, the registered marks can be found by searching online or at the USPTO's Web site (*www.uspto.gov*). The Commission, therefore, proposes to eliminate the requirement for businesses to file paper copies of the registration with the Commission because it appears unnecessary and could in some cases impose unnecessary costs on businesses.

II. Proposed Amendment

The Commission promulgated § 303.19 in 1959 at the time it issued the Textile Rules, and the provision has not changed since.[4] When the Commission issued the Rules, neither the Commission nor consumers could identify easily the owners of word trademarks. Thus, at the time, the regulation provided some benefit (*i.e.,* facilitating the identification of trademark owners to address compliance issues or help consumers contact textile product marketers).

Now, Commission staff and consumers can identify trademark owners by searching online or on the USPTO's online database. Accordingly, the regulation is no longer necessary. The Commission, therefore, proposes to amend § 303.19(a) to delete this requirement. In addition to potentially reducing compliance costs for textile marketers, deleting this requirement would eliminate the Commission's need to process and maintain trademark registration records, freeing those resources for more productive uses.[5]

Additionally, there appears to be no reason to restrict the use of word trademarks to only those also employed as house marks.[6] In the past, it was difficult for consumers to research registered marks, and, therefore, it made sense to require companies to use marks that consumers could easily identify with a particular company. Consumers now can identify trademark owners online or look up the trademark registrations online at the USPTO, and, therefore, the rationale for limiting the use of marks no longer seems to be necessary. In addition, removing this requirement would give companies the flexibility to use any registered word mark.

[4] *See* 24 FR 4480, 4484 (June 2, 1959).

[5] If the Commission adopts this amendment, it plans to destroy its word trademark registration records, except to the extent that retaining such records is necessary to comply with federal statutes, regulations, or other legal authority.

[6] A house mark is a mark used on a wide range of goods sold by a company.

III. Request for Comments

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before July 31, 2017. Write ''Textile Rules, 16 CFR part 303, Project No. P948404'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *https://www.ftc.gov/policy/public-comments*.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/textilerulesnprm,* by following the instruction on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Textile Rules, 16 CFR part 303, Project No. P948404'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex C), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex C), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC Web site at *https://www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC Web site—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC Web site, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the Commission Web site to read this NPRM and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before July 31, 2017. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy*.

The Commission invites members of the public to comment on the costs and benefits to industry members and consumers, as well as any issues or concerns they believe are relevant or appropriate to the Commission's consideration of the proposed amendment to the Textile Rules. The Commission requests that comments provide factual data upon which they are based.

IV. Communications to Commissioners and Commissioner Advisors by Outside Parties

Written communications and summaries or transcripts of oral communications respecting the merits of this proceeding from any outside party to any Commissioner or

Commissioner's advisor will be placed on the public record.[7]

V. Regulatory Flexibility Act Requirements

The Regulatory Flexibility Act (''RFA'')[8] requires that the Commission conduct an analysis of the anticipated economic impact of the proposed amendment on small entities. The purpose of a regulatory flexibility analysis is to ensure that an agency considers the impacts on small entities and examines regulatory alternatives that could achieve the regulatory purpose while minimizing burdens on small entities. Section 605 of the RFA[9] provides that such an analysis is not required if the agency head certifies that the regulatory action will not have a significant economic impact on a substantial number of small entities.

The Commission believes that the proposed amendment would not have a significant economic impact upon small entities, although it may affect a substantial number of small businesses. In the Commission's view, the proposed amendment should not increase the costs of small entities that manufacture or import textile fiber products. Therefore, based on available information, the Commission certifies that amending the Rules as proposed will not have a significant economic impact on a substantial number of small businesses. Although the Commission certifies under the RFA that the proposed amendment would not, if promulgated, have a significant impact on a substantial number of small entities, the Commission has determined, nonetheless, that it is appropriate to publish an Initial Regulatory Flexibility Analysis to inquire into the impact of the proposed amendment on small entities. Therefore, the Commission has prepared the following analysis:

A. Description of the Reasons That Action by the Agency Is Being Taken

The Commission proposes amending the Rules to delete one requirement and provide greater flexibility in complying with the Rules' disclosure requirements.

B. Statement of the Objectives of, and Legal Basis for, the Proposed Amendment

The Textile Act authorizes the Commission to implement its requirements through the issuance of rules. The proposed amendment would delete the requirement that word trademark owners disclosing their trademarks in lieu of their business names on labels furnish a copy of their trademark registrations to the Commission, and provide covered entities with additional labeling options (*i.e.,* to use word trademarks in lieu of business name, even if such trademarks are not house marks) without imposing new burdens or additional costs.

C. Small Entities to Which the Proposed Amendments Will Apply

The Rules apply to various segments of the textile fiber product industry, including manufacturers and wholesalers of textile apparel products. Under the Small Business Size Standards issued by the Small Business Administration, textile apparel manufacturers qualify as small businesses if they have 500 or fewer employees. Clothing wholesalers qualify as small businesses if they have 100 or fewer employees. The Commission's staff has estimated that approximately 22,642 textile fiber product manufacturers and importers are covered by the Rules' disclosure requirements.[10] A substantial number of these entities likely qualify as small businesses. The Commission estimates that the proposed amendment will not have a significant impact on small businesses because they do not impose any new obligations on them.

D. Projected Reporting, Recordkeeping, and Other Compliance Requirements, Including Classes of Covered Small Entities and Professional Skills Needed To Comply

As explained earlier in this document, the proposed amendment would delete a filing requirement and a limitation on the use of word trademarks on textile labels, thus providing greater flexibility to companies covered by the Rules. The small entities potentially covered by the proposed amendment will include all such entities subject to the Rules.

E. Duplicative, Overlapping, or Conflicting Federal Rules

The Commission has not identified any other federal statutes, rules, or policies that would duplicate, overlap, or conflict with the proposed amendment.

F. Significant Alternatives to the Proposed Amendment

The Commission has not proposed any specific small entity exemption or other significant alternatives because the proposed amendment would not impose any new requirements or compliance costs.

VI. Paperwork Reduction Act

The Rules contain various ''collection of information'' (*e.g.,* disclosure and recordkeeping) requirements for which the Commission has obtained clearance from the Office of Management and Budget (''OMB'') under the Paperwork Reduction Act (''PRA'').[11] The proposed amendment does not impose any additional collection of information requirements.

List of Subjects in 16 CFR Part 303

Advertising, Labeling, Recordkeeping, Textile fiber products.

Accordingly, the FTC proposes to amend 16 CFR part 303 as follows:

PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

■ 1. The authority citation for part 303 continues to read as follows:

Authority: 15 U.S.C. 70 *et seq.*

■ 2. Amend § 303.19 by revising paragraph (a) to read as follows:

§ 303.19 Name or other identification required to appear on labels.

(a) The name required by the Act to be used on labels shall be the name under which the person is doing business. Where a person has a word trademark, registered in the United States Patent and Trademark Office, such word trademark may be used on labels in lieu of the name otherwise required. No trademark, trade names, or other names except those provided for above shall be used for required identification purposes.

* * * * *

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–13470 Filed 6–27–17; 8:45 am]

BILLING CODE 6750–01–P

[7] *See* 16 CFR 1.26(b)(5).

[8] 5 U.S.C. 601–612.

[9] 5 U.S.C. 605.

[10] 80 FR 1411, 1413 (Jan. 9, 2015).

[11] 44 U.S.C. 3501 *et seq.* The Commission published its PRA burden estimates for the current information collection requirements under the Rules. *See* 80 FR at 1411, 1413 (Jan. 9, 2015) and 80 FR 14387, 14388 (Mar. 19, 2015). In April 2015, OMB granted clearance through April 30, 2018, for these requirements and the associated PRA burden estimates. The OMB control number is 3084–0101.

FEDERAL TRADE COMMISSION

16 CFR Part 316

RIN 3084–AB38

CAN–SPAM Rule

AGENCY: Federal Trade Commission (''Commission'' or ''FTC'').

ACTION: Rule review; request for public comments.

SUMMARY: The Commission is requesting public comments on its rule implementing the Controlling the Assault of Non-Solicited Pornography and Marketing Act (the ''CAN–SPAM Rule'' or ''Rule''). The Commission is soliciting comments about the efficiency, costs, benefits, and regulatory impact of the Rule as part of its systematic review of all current Commission regulations and guides. All interested persons are hereby given notice of the opportunity to submit written data, reviews, and arguments concerning the Rule.

DATES: Written comments concerning the CAN–SPAM Rule must be received no later than August 31, 2017.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write: ''CAN–SPAM Rule, 16 CFR part 316, Project No. R711010,'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/canspamrulereview* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''CAN–SPAM Rule, 16 CFR part 316, Project No. R711010,'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex B), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex B), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Christopher E. Brown, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580, (202) 326–2825.

SUPPLEMENTARY INFORMATION:

I. Background

Enacted in 2003, and effective since January 1, 2004, the Controlling the Assault of Non-Solicited Pornography and Marketing Act (''CAN–SPAM Act'' or ''Act''),[1] regulates the transmission of all commercial electronic mail (''email'') messages. The Act specifically prohibits certain commercial email acts and practices [2] and establishes specific requirements for the content of these messages [3] to ensure that recipients have the right to opt out of receiving them.[4] The Act explicitly directed the Commission to issue regulations ''defining the relevant criteria to facilitate the determination of the primary purpose of an electronic mail message.'' [5] The Act also mandated that the ''Commission in consultation with the Attorney General shall prescribe clearly identifiable marks or notices to be included in or associated with commercial electronic mail that contains sexually oriented material, in order to inform the recipient of that fact and to facilitate filtering of such electronic mail.'' [6] In addition to these mandatory rulemakings, the Act also provides discretionary authority for the Commission to issue regulations concerning certain of the Act's other definitions and provisions.[7]

Pursuant to the Act's directive, the Commission promulgated a rule styled the Label for Email Messages Containing Sexually Oriented Material (''Adult Labeling Rule'') in 2004.[8] The Adult Labeling Rule provides that, any person who initiates, to a protected computer, the transmission of a commercial email that includes sexually oriented material must: (1) Exclude sexually oriented materials from the subject heading and include in the subject heading of that email the phrase ''SEXUALLY–EXPLICIT: ''; and (2) provide that the content of the email message that is initially viewable when the message is opened include only certain specified information, and not include any sexually oriented materials.[9] The Adult Labeling Rule also exempts situations where a recipient has given his or her prior consent to receipt of a sexually oriented message.[10]

In 2005, the Commission issued CAN–SPAM Rule provisions that define the relevant criteria to determine the ''primary purpose'' of an email message.[11] To facilitate this determination, the Rule describes four categories of messages—(1) messages that contain only commercial content, (2) messages that contain both commercial content and ''transactional or relationship content,'' (3) messages that contain both commercial content and content that is neither commercial nor ''transactional or relationship,'' (4) messages that contain only ''transactional or relationship content''—and provides criteria for determining the primary purpose of such email messages.[12] Under the Rule, if an email message contains only commercial content, the ''primary purpose'' of the message shall be deemed to be commercial.[13] Similarly, if an email message contains only transactional or relationship content, the ''primary purpose'' of the message shall be deemed to be ''transactional or relationship.'' [14] If an email message contains both commercial content and transactional or relationship content, then the primary purpose of the message shall be deemed to be commercial if: (1) A recipient reasonably interpreting the subject line of the email message would likely conclude that the message contains the commercial advertisement or promotion of a commercial product or service; or (2) the email message's transactional or relationship content does not appear, in whole or in substantial part, at the beginning of the

[1] 15 U.S.C. 7701–7713.

[2] Section 7704(a)(1) of the Act prohibits transmission of any email that contains false or misleading header or ''from'' line information. Section 7704(a)(2) prohibits the transmission of commercial email messages with false or misleading subject headings.

[3] Section 7704(a)(5) prohibits the initiation of a commercial email message unless it contains three disclosures: (1) Clear and conspicuous identification that the message is an advertisement or solicitation; (2) clear and conspicuous notice of the opportunity to decline to receive further commercial email messages from the sender; and (3) a valid physical postal address of the sender.

[4] Section 7704(a)(3) requires that a commercial email message contain a functioning return email address or similar Internet-based mechanism for recipients to use to ''opt out'' of receiving future commercial email messages. Section 7704(a)(4) prohibits the sender, or others acting on the sender's behalf, from initiating a commercial email to a recipient more than ten business days after the recipient has opted out.

[5] 15 U.S.C. 7702(2)(C). The Act authorizes the Commission to use notice and comment rulemaking pursuant to the Administrative Procedures Act, 5 U.S.C. 553. 15 U.S.C. 7711.

[6] 15 U.S.C. 7704(d)(3).

[7] 15 U.S.C. 7702(17)(B); 7704(c)(1)(A)–(C); 7704(c)(2); 7711(a).

[8] *Federal Trade Commission: Label for Email Messages Containing Sexually Oriented Material; Final Rule,* 69 FR 21024 (Apr. 19, 2004).

[9] 16 CFR 316.4 (a). The Adult Labeling Rule was originally numbered section 316.1 when it was promulgated on April 19, 2004. In the August 13, 2004, Notice of Proposed Rulemaking, the only change proposed to the Adult Labeling Rule was to renumber it as section 316.4. The Commission requested comment on this proposed change and did not receive any responsive comments.

[10] 16 CFR 316.4(b).

[11] *Federal Trade Commission: Definitions and Implementation Under the CAN–SPAM Act; Final Rule,* 70 FR 3110 (Jan. 19, 2005).

[12] 16 CFR 316.3.

[13] 16 CFR 316.3(a)(1).

[14] 16 CFR 316.3(b).

body of the message.[15] In addition to the subject line criterion applicable to all dual-purpose messages, the Rule also describes another criterion to determine the primary purpose of a message that contains commercial content and content that is neither commercial nor ''transactional or relationship'' in nature.[16] In such a case, the primary purpose of the message still would be deemed ''commercial'' if a recipient reasonably interpreting the body of the message would likely conclude that the primary purpose of the message is to advertise or promote a product or service. The Rule lists several factors relative to this inquiry, including the placement of content that advertises or promotes a product or service at or near the beginning of the body of the message; the proportion of the message dedicated to such content; and how color, graphics, type size, and style are used to highlight commercial content.[17]

The Rule also clarifies that the definitions of certain terms taken from the Act and appearing in the Rule are prescribed by particular referenced portions of the Act. These terms include: ''affirmative consent,'' ''commercial electronic mail message,'' ''electronic mail address,'' ''initiate,'' ''Internet,'' ''procure,'' ''protected computer,'' ''recipient,'' ''routine conveyance,'' ''sender,'' ''sexually oriented material,'' and ''transactional or relationship message.'' [18] The Rule also includes a severability provision that provides that if any portion of the Rule is found to be invalid, the remaining portions will survive.[19]

Pursuant to its discretionary authority to issue regulations to implement the provisions of the Act, the Commission promulgated additional CAN–SPAM Rule provisions in 2008. These provisions: (1) Add a definition of the term ''person;'' (2) modify the term ''sender'' in those instances where a single email message contains advertisements for the products, services, or Web sites of multiple entities; (3) clarify that a sender may comply with section 7704(a)(5)(A)(iii) of the Act by including in a commercial email message a post office box or private mailbox established pursuant to United States Postal Service regulations; and (4) clarify that to submit a valid opt-out request, a recipient cannot be required to pay a fee, provide information other than his or her email address and opt-out preferences, or take any steps other than sending a reply email message or visiting a single page on an Internet Web site.[20]

II. Regulatory Review of the CAN–SPAM Rule

The Commission periodically reviews all of its rules and guides. These reviews seek information about the costs and benefits of the agency's rules and guides, and their regulatory and economic impact. The information obtained assists the Commission in identifying those rules and guides that warrant modification or rescission. Therefore, the Commission solicits comments on, among other things, the economic impact and benefits of the Rule; possible conflict between the Rule and state, local, or other federal laws or regulations; and the effect on the Rule from any technological, economic, or other industry changes since promulgation of the Rule.

III. Issues for Comment

The Commission requests written comment on any or all of the following questions. The General Questions reflect those traditionally raised at such a review. The Specific Questions are based on the CAN–SPAM Act's express grant of specific or supplementary rulemaking authority.[21] All questions are designed to assist the public and should not be construed as a limitation on the issues on which public comment may be submitted. The Commission requests that responses to its questions be as specific as possible, including a reference to the question being answered, and reference to empirical data or other evidence upon which comments are based whenever available and appropriate.

A. General Issues

1. Is there a continuing need for the Rule? Why or why not?

2. What benefits has the Rule provided to consumers? What evidence supports the asserted benefits?

3. What modifications, if any, should be made to the Rule to increase its benefits to consumers?

(a) What evidence supports the proposed modifications?

(b) How would these modifications affect the costs the Rule imposes on businesses, including small businesses?

(c) How would these modifications affect the benefits to consumers?

4. What impact has the Rule had on the flow of truthful information to consumers and on the flow of deceptive information to consumers?

5. What significant costs, if any, has the Rule imposed on consumers? What evidence supports the asserted costs?

6. What modifications, if any, should be made to the Rule to reduce any costs imposed on consumers?

(a) What evidence supports the proposed modifications?

(b) How would these modifications affect the benefits provided by the Rule?

7. What benefits, if any, has the Rule provided to businesses, including small businesses? What evidence supports the asserted benefits?

8. What modifications, if any, should be made to the Rule to increase its benefits to businesses, including small businesses?

(a) What evidence supports the proposed modifications?

(b) How would these modifications affect the costs the Rule imposes on businesses, including small businesses?

(c) How would these modifications affect the benefits to consumers?

9. What significant costs, if any, including costs of compliance, has the Rule imposed on businesses, including small businesses? What evidence supports the asserted costs?

10. What modifications, if any, should be made to the Rule to reduce the costs imposed on businesses, including small businesses?

(a) What evidence supports the proposed modifications?

(b) How would these modifications affect the benefits provided by the Rule?

11. What evidence is available concerning the degree of industry compliance with the Rule?

12. What modifications, if any, should be made to the Rule to account for changes in relevant technology or economic conditions? What evidence supports the proposed modifications?

13. Does the Rule overlap or conflict with other federal, state, or local laws or regulations? If so, how?

(a) What evidence supports the asserted conflicts?

(b) With reference to the asserted conflicts, should the Rule be modified? If so, why, and how? If not, why not?

B. Specific Issues

1. Should the Commission modify the Rule to expand or contract the categories of messages that are treated as transactional or relationship messages?

(a) Why or why not?

(b) What evidence supports such a modification?

(c) How would this modification affect the costs the Rule imposes on businesses, including small businesses?

[15] 16 CFR 316.3(a)(2).

[16] 16 CFR 316.3(a)(3).

[17] 16 CFR 316.3(a)(3)(ii).

[18] 16 CFR 316.2(a), (c)—(n).

[19] 16 CFR 316.6. The severability provision was previously numbered section 316.5 when it was promulgated in January 19, 2005, and applies to the entire Final Rule.

[20] *Federal Trade Commission: Definitions and Implementation Under the CAN–SPAM Act; Final Rule,* 73 FR 29654 (May 21, 2008).

[21] *See* 15 U.S.C. 7702(17)(B) and 7704(c)(1)–(2).

(d) How would this modification affect the benefits to consumers?

2. As discussed above, the Rule tracks the CAN–SPAM Act in prohibiting the sending of commercial email to a recipient more than ten business days after the recipient opts out. Should the Commission modify the Rule to reduce the time-period for processing opt-out requests to less than ten business days?

(a) Why or why not?

(b) What evidence supports such a modification?

(c) How would this modification affect the costs the Rule imposes on businesses, including small businesses?

(d) How would this modification affect the benefits to consumers?

3. Should the Commission modify the Rule to specify additional activities or practices that constitute aggravated violations?

(a) Why or why not?

(b) What evidence supports such a modification?

(c) How would this modification affect the costs the Rule imposes on businesses, including small businesses?

(d) How would this modification affect the benefits to consumers?

IV. Request for Comment

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before August 31, 2017. Write ''CAN–SPAM Rule, 16 CFR part 316, Project No. R711010,'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *https://www.ftc.gov/policy/public-comments.*

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at: *https://ftcpublic.commentworks.com/ftc/canspamrulereview,* by following the instructions on the web-based form. If this Notice appears at *https://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you prefer to file your comment on paper, write ''CAN–SPAM Rule, 16 CFR part 316, Project No. R711010'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex B), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex B), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC Web site at *https://www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive personal information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number, financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided in section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC Web site—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC Web site, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC Web site to read this document and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before August 31, 2017. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–13471 Filed 6–27–17; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

16 CFR Part 410

RIN 3084–AB44

Trade Regulation Rule Concerning Deceptive Advertising as to Sizes of Viewable Pictures Shown by Television Receiving Sets

AGENCY: Federal Trade Commission.

ACTION: Advance notice of proposed rulemaking (ANPR); request for public comment.

SUMMARY: As part of its systematic review of all current FTC rules and guides, the Commission requests public comment on the overall costs, benefits, necessity, and regulatory and economic impact of the FTC's Trade Regulation Rule concerning Deceptive Advertising as to Sizes of Viewable Pictures Shown by Television Receiving Sets (''Rule'' or ''Picture Tube Rule'').

DATES: Comments must be received on or before August 31, 2017.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write: ''16 CFR part 410—Picture Tube Rule Review, File No. P174200'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/picturetuberule* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''16 CFR part 410—Picture Tube Rule Review, Matter No. P174200'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex B), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW.,

5th Floor, Suite 5610 (Annex B), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: John Andrew Singer, (202) 326–3234, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Background

The Commission promulgated the Picture Tube Rule in 1966,[1] to prevent deceptive claims regarding television screens' size and encourage uniformity in measurement, thereby aiding comparison shopping. The Rule sets forth the appropriate means to disclose the method used to measure the dimensions of television screens.[2] Under the Rule, marketers must base any representation of screen size on the horizontal dimension of the actual, viewable picture area unless they disclose the alternative method of measurement clearly and conspicuously, and in close proximity, to the size designation.[3] The Rule also directs that marketers base the measurement on a single-plane basis, without taking into account any screen curvature.[4] Finally, it includes examples of both proper and improper size representations.[5]

II. Regulatory Review Program

The Commission reviews its rules and guides periodically to seek information about their costs and benefits, regulatory and economic impact, and general effectiveness in protecting consumers and helping industry avoid deceptive claims. These reviews assist the Commission in identifying rules and guides that warrant modification or rescission. The Commission last reviewed the Rule in 2006, retaining it unchanged.[6] With this document, the Commission initiates a new review. It solicits comments on, among other things: The economic impact of and the continuing need for, the Rule; the Rule's benefits to consumers; and the burdens it places on industry, including small businesses. The Commission further solicits comments, and invites the submission of data, regarding how consumers understand dimension claims for televisions, including: Whether consumers understand the stated dimensions, whether the dimensions are limited to the set's viewable portion, and whether the dimensions are based on a single-plane measurement that does not include curvature in the set's screen.[7] The Commission also solicits comments on whether advances in broadcasting and television technology, such as the introduction of curved screen display panels and changing aspect ratios (*e.g.,* from the traditional 4:3 to 16:9), create a need to modify the Rule. Finally, it requests comments regarding whether the Rule should address viewable screen size measurement reporting tolerances and rounding.

III. Issues for Comment

To aid commenters in submitting their comments, the Commission provides the following general regulatory review questions and specific questions related to the Picture Tube Rule. The Commission seeks comments on these and any other issues related to the Rule's current requirements. In their replies to each of these questions, commenters should provide any available evidence and data, such as empirical data, consumer perception studies, or consumer complaints, that support the positions asserted in their comments.

A. General Regulatory Review Questions

(1) *Need:* Is there a continuing need for the Rule? Explain why or why not. Is there a need for a rule to address any unfair or deceptive acts or practices concerning television screen sizes or would case-by-case enforcement be a better approach to addressing such practices?

(2) *Unnecessary Provisions:* Are any specific provisions of the Rule no longer necessary? If so, identify these provisions and explain why they are unnecessary.

(3) *Benefits and Costs to Consumers:* What benefits, if any, does the Rule provide to consumers, and does the Rule impose any significant costs on consumers?

(4) *Benefits and Costs to Industry Members:* What benefits, if any, does the Rule provide to businesses, and does the Rule impose any significant costs, including compliance costs, on businesses, including small businesses?

(5) *Recommended Changes:* What modifications, if any, should the Commission make to the Rule to increase its benefits or reduce its costs? Explain the specific modifications you propose and how they would affect the Rule's costs and benefits for consumers and businesses, particularly small businesses.

(6) *Impact on Information:* What impact does the Rule have on the flow of truthful information to consumers and deceptive information to consumers?

(7) *Compliance:* What is the degree of industry compliance with the Rule? Does this compliance level indicate that the Commission should modify the Rule? If so, explain why and how the Commission should do so.

(8) *Additional Unfair or Deceptive Practices:* Are there unfair or deceptive practices not covered by the Rule occurring in the marketplace relating to the advertising and promotion of the viewable picture size of television set screens? If so: (a) Describe these practices and provide evidence of their existence; (b) state their prevalence; (c) state their impact on consumers; (d) explain what modifications the Commission should make to the Rule to eliminate such practices; and (e) explain how any modification would impact consumers and businesses, particularly small businesses.

(9) *Product Coverage:* Should the Commission broaden the Rule to include products not currently covered? If so: (a) Identify these products; (b) describe the unfair or deceptive practices occurring regarding these products and provide evidence of these practices; (c) state the prevalence of these practices; (d) explain what modifications the Commission should make to the Rule to cover these practices; (e) explain how these modifications would eliminate these practices; and (f) explain how any modification would impact consumers and businesses, particularly small businesses.

(10) *Overlaps and Conflicts with, and Effects on, Other Requirements:* Does the Rule overlap or conflict with other Federal, State, or local laws or regulations? If so: (a) Identify these laws or regulations; (b) describe how the Rule overlaps or conflicts; and (c) explain how the Commission should modify the Rule to eliminate or lessen such overlaps or conflicts. Additionally, are any modifications to the Rule necessary to assist state law enforcement agencies' efforts to combat deceptive or unfair practices in television set marketing? If so, explain what modifications the

[1] 31 FR 3342 (Mar. 3, 1966).

[2] 16 CFR 410.1.

[3] The Rule provides that ''any referenced or footnote disclosure of the manner of measurement by means of the asterisk or some similar symbol does not satisfy the 'close connection and conjunction' requirement of this part.'' *Id.,* Note 2.

[4] *Id.,* Note 1.

[5] *Id.,* Note 2.

[6] 71 FR 34247 (Jun. 14, 2006).

[7] In the 50 years since the Rule's adoption, marketers have come typically to advertise screen size based on a single-plane diagonal measurement of the screen's viewable portion. The Commission, *infra,* solicits comments and data on whether this practice is continuing with the relatively recently introduced curved display panel television sets.

Commission should make to the Rule and how they will assist these agencies.

B. Specific Questions Related to the Picture Tube Rule

(1) *Consumer Understanding of Screen Measurements Generally:* What understanding do consumers have regarding television screen dimensions stated in advertisements, *e.g.,* do they think the dimensions are diagonal, horizontal, or vertical; single or multi-plane; include only the viewable screen area? Submit evidence supporting your position.

(2) *The Rule's Default Screen Measurement Method:* Should the Rule's default television set screen measurement method change, *e.g.,* to the diagonal single-plane measurement of the viewable portion of a screen? If so: (a) Explain how, and why, the default screen measurement method should change; (b) explain whether the Commission should continue to require that, when a screen dimension stated in advertising is based upon anything but the default measurement method, the method used must be disclosed clearly and conspicuously, and in close proximity, to the dimension; (c) submit evidence supporting your position; and (d) explain how the default screen measurement method that you proposed in response to (a), *supra,* would impact consumers and businesses, particularly small businesses.

(3) *Curved Display Screens:* Note 1 to the Rule directs that the viewable picture size of television set screens be measured on a single-plane basis, not taking into account any screen curvature. When the Commission originally promulgated this provision, television sets used cathode ray tubes with curved display screens. Today, television sets generally incorporate plasma, LED, OLED, and similar flat display screens, though some television sets have concave display screens. (a) Do consumers understand that stated dimensions are based on a single-plane measurement that does not include curvature in the screen? Submit evidence supporting your position. (b) Does the use of curved screens affect how manufacturers and marketers measure and promote the viewable screen size of television sets? If so: (1) Identify and explain these effects; (2) explain how, if at all, the Commission should modify the Rule to address these effects; and (3) explain how any modification would impact consumers and businesses, particularly small businesses.

(4) *Measurement Reporting Tolerances and Rounding:* The Rule does not address how to disclose the viewable screen size of television sets that do not, consistent with Note 2, measure precisely to an inch or 100th of a centimeter measurement. In 2008, industry requested staff guidance on rounding because promotional material measurements were often off by up to ½-inch to avoid waste in cutting glass from standard sheets. Staff advised, with the caveat that it did not speak for the Commission, that it was unlikely to recommend enforcement action based on an up to ½-inch discrepancy, as long as marketers make clear that the larger number represents a class size and state the actual screen measurement, clearly and conspicuously, and in close proximity to the class size representation, *e.g.,* 32'' Class, 31.75'' actual measurement. Explain: (a) How, if at all, the Commission should modify the Rule to address this issue; and (b) how any modification would impact consumers and businesses, particularly small businesses.

(5) *Aspect Ratios:* Some television sets have viewing screens with a 16:9 (1.77:1) aspect ratio rather than 4:3 (1.33:1) ratio. Do different aspect ratios affect how manufacturers and marketers measure and promote the viewable screen size of television sets? If so: (a) Identify how different aspect ratios change screen measurement and television set marketing; (b) explain how, if at all, the Commission should modify the Rule to address this issue; and (c) explain how any modification would impact consumers and businesses, particularly small businesses.

(6) *Technological or Economic Changes:* Should the Commission otherwise modify the Rule to account for current or impending changes in technology or economic conditions that may affect television sets? If so: (a) Identify these changes; (b) explain how, if at all, the Commission should modify the Rule to address this issue; and (c) explain how any modifications would impact consumers and businesses, particularly small businesses.

IV. Request for Comment

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before August 31, 2017. Write ''16 CFR part 410—Picture Tube Rule Review, File No. P174200'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/policy/public-comments.*

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/picturetuberule,* by following the instructions on the web-based form. If this Notice appears at *https://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you prefer to file your comment on paper, write ''16 CFR part 410—Picture Tube Rule Review, File No. P174200'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex B), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex B), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC Web site at *https://www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c).

In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC Web site—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC Web site, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC Web site to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before August 31, 2017. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy*.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–13476 Filed 6–27–17; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

16 CFR Chapter I

Regulatory Review Schedule

AGENCY: Federal Trade Commission.

ACTION: Intent to request public comments.

SUMMARY: As part of its ongoing, systematic review of all Federal Trade Commission rules and guides, the Commission announces a modified ten-year regulatory review schedule. No Commission determination on the need for, or the substance of, the rules and guides listed below should be inferred from this notice.

DATES: Effective on June 28, 2017.

FOR FURTHER INFORMATION CONTACT: Further details about particular rules or guides may be obtained from the contact person listed below for the rule or guide.

SUPPLEMENTARY INFORMATION: To ensure that its rules and industry guides remain relevant and are not unduly burdensome, the Commission reviews them on a ten-year schedule. Each year the Commission publishes its review schedule, with adjustments made in response to public input, changes in the marketplace, and resource demands.

When the Commission reviews a rule or guide, it publishes a notice in the **Federal Register** seeking public comment on the continuing need for the rule or guide, as well as the rule's or guide's costs and benefits to consumers and businesses. Based on this feedback, the Commission may modify or repeal the rule or guide to address public concerns or changed conditions, or to reduce undue regulatory burden.

The Commission posts information about its review schedule on its Web site [1] to facilitate comment. This Web site contains an updated review schedule, a list of rules and guides previously eliminated in the regulatory review process, and the Commission's regulatory review plan.

Modified Ten-Year Schedule for Review of FTC Rules and Guides

For 2017, the Commission intends to initiate reviews of, and solicit public comments on, the following rules:

(1) *CAN–SPAM Rule, 16 CFR part 316.* Agency Contact: Christopher Brown, (202) 326–2825, Federal Trade Commission, Bureau of Consumer Protection, Division of Marketing Practices, 600 Pennsylvania Ave. NW., Washington, DC 20580.

(2) *Deceptive Advertising as to Sizes of Viewable Pictures Shown by Television Receiving Sets, 16 CFR part 410.* Agency Contact: John Singer, (202) 326–3234, Federal Trade Commission, Bureau of Consumer Protection, Division of Enforcement, 600 Pennsylvania Ave. NW., Washington, DC 20580.

The Commission is currently reviewing 10 of the 65 rules and guides within its jurisdiction. During 2016, it completed reviews of 2 rules. The Commission is postponing review of the following matters previously scheduled for review in 2017 until 2022: Guides Against Deceptive Pricing, 16 CFR part 233; Guides Against Bait Advertising, 16 CFR part 238; and Guide Concerning Use of the Word ''Free'' and Similar Representations, 16 CFR part 251. A copy of the Commission's modified regulatory review schedule for 2017 through 2027 is appended. The Commission, in its discretion, may modify or reorder the schedule in the future to incorporate new rules, or to respond to external factors (such as changes in the law) or other considerations.

Authority: 15 U.S.C. 41–58.

By direction of the Commission.

Donald S. Clark,

Secretary.

Appendix

Regulatory Review

MODIFIED TEN-YEAR SCHEDULE

16 CFR part	Topic	Year to review
23	Guides for the Jewelry, Precious Metals, and Pewter Industries	Currently Under Review.
259	Guide Concerning Fuel Economy Advertising for New Automobiles	Currently Under Review.
308	Trade Regulation Rule Pursuant to the Telephone Disclosure and Dispute Resolution Act of 1992 [Pay Per Call Rule].	Currently Under Review.
310	Telemarketing Sales Rule	Currently Under Review.
314	Standards for Safeguarding Customer Information	Currently Under Review.
315	Contact Lens Rule	Currently Under Review.
423	Care Labeling of Textile Wearing Apparel and Certain Piece Goods	Currently Under Review.
456	Ophthalmic Practice Rules (Eyeglass Rule)	Currently Under Review.
460	Labeling and Advertising of Home Insulation	Currently Under Review.
682	Disposal of Consumer Report Information and Records	Currently Under Review.

[1] *See https://www.ftc.gov/enforcement/rules/retrospective-review-ftc-rules-guides.*

MODIFIED TEN-YEAR SCHEDULE—Continued

16 CFR part	Topic	Year to review
316	CAN–SPAM Rule	2017.
410	Deceptive Advertising as to Sizes of Viewable Pictures Shown by Television Receiving Sets	2017.
18	Guides for the Nursery Industry	2018.
311	Test Procedures and Labeling Standards for Recycled Oil	2018.
436	Disclosure Requirements and Prohibitions Concerning Franchising	2018.
681	Identity Theft [Red Flag] Rules	2018.
24	Guides for Select Leather and Imitation Leather Products	2019.
453	Funeral Industry Practices	2019.
14	Administrative Interpretations, General Policy Statements, and Enforcement Policy Statements	2020.
255	Guides Concerning Use of Endorsements and Testimonials in Advertising	2020.
313	Privacy of Consumer Financial Information	2020.
317	Prohibition of Energy Market Manipulation Rule	2020.
318	Health Breach Notification Rule	2020.
432	Power Output Claims for Amplifiers Utilized in Home Entertainment Products	2020.
444	Credit Practices	2020.
640	Duties of Creditors Regarding Risk-Based Pricing	2020.
641	Duties of Users of Consumer Reports Regarding Address Discrepancies	2020.
642	Prescreen Opt-Out Notice	2020.
660	Duties of Furnishers of Information to Consumer Reporting Agencies	2020.
680	Affiliate Marketing	2020.
698	Model Forms and Disclosures	2020.
801	[Hart-Scott-Rodino Antitrust Improvements Act] Coverage Rules	2020.
802	[Hart-Scott-Rodino Antitrust Improvements Act] Exemption Rules	2020.
803	[Hart-Scott-Rodino Antitrust Improvements Act] Transmittal Rules	2020.
437	Business Opportunity Rule	2021.
233	Guides Against Deceptive Pricing	2022.
238	Guides Against Bait Advertising	2022.
251	Guide Concerning Use of the Word "Free" and Similar Representations	2022.
260	Guides for the Use of Environmental Marketing Claims	2022.
312	Children's Online Privacy Protection Rule	2022.
254	Guides for Private Vocational and Distance Education Schools	2023.
309	Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles	2023.
429	Rule Concerning Cooling-Off Period for Sales Made at Homes or at Certain Other Locations	2023.
20	Guides for the Rebuilt, Reconditioned, and Other Used Automobile Parts Industry	2024.
240	Guides for Advertising Allowances and Other Merchandising Payments and Services [Fred Meyer Guides].	2024.
300	Rules and Regulations under the Wool Products Labeling Act of 1939	2024.
301	Rules and Regulations under Fur Products Labeling Act	2024.
303	Rules and Regulations under the Textile Fiber Products Identification Act	2024.
425	Use of Prenotification Negative Option Plans	2024.
435	Mail, Internet, or Telephone Order Merchandise	2024.
424	Retail Food Store Advertising and Marketing Practices [Unavailability Rule]	2024.
239	Guides for the Advertising of Warranties and Guarantees	2025.
306	Automotive Fuel Ratings, Certification and Posting	2025.
305	Energy Labeling Rule	2025.
433	Preservation of Consumers' Claims and Defenses [Holder in Due Course Rule]	2025.
500	Regulations under Section 4 of the Fair Packaging and Labeling Act	2025.
501	Exemptions from Requirements and Prohibitions under Part 500	2025.
502	Regulations under Section 5(c) of the Fair Packaging and Labeling Act	2025.
503	Statements of General Policy or Interpretation [under the Fair Packaging and Labeling Act]	2025.
700	Interpretations of Magnuson-Moss Warranty Act	2025.
701	Disclosure of Written Consumer Product Warranty Terms and Conditions	2025.
702	Pre-Sale Availability of Written Warranty Terms	2025.
703	Informal Dispute Settlement Procedures	2025.
304	Rules and Regulations under the Hobby Protection Act	2026.
455	Used Motor Vehicle Trade Regulation Rule	2026.

[FR Doc. 2017–13472 Filed 6–27–17; 8:45 am]
BILLING CODE 6750–01–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1904

[Docket No. OSHA–2013–0023]

RIN 1218–AD16

Improve Tracking of Workplace Injuries and Illnesses: Proposed Delay of Compliance Date

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Proposed rule; delay of compliance date.

SUMMARY: On May 12, 2016, the Occupational Safety and Health Administration (OSHA) published a rule entitled ''Improve Tracking of Workplace Injuries and Illnesses'' with an effective date of January 1, 2017 for the final rule's electronic reporting requirements. The final rule sets an initial deadline of July 1, 2017, as the date by which certain employers are required to submit the information from their completed 2016 Form 300A to OSHA electronically. This action proposes to extend the initial submission deadline for 2016 Form 300A data to December 1, 2017, to provide the new administration an opportunity to review the new electronic reporting requirements prior to their implementation and allow affected entities sufficient time to familiarize themselves with the electronic reporting system, which will not be available until August 1. The proposed five-month delay would be effective on the date of publication of a final rule in the **Federal Register**. OSHA also intends to issue a separate proposal to reconsider, revise, or remove other provisions of the prior final rule. OSHA will seek comment on those provisions in that separate proposal. In this proposal, OSHA only seeks comment on the delay of the July 1, 2017 compliance date to December 1, 2017.

DATES: Written comments must be submitted (postmarked, sent, or received) by July 13, 2017.

ADDRESSES:

Written comments. You may submit comments, identified by Docket No. OSHA–2013–0023, by any of the following methods:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions. When uploading multiple attachments into *Regulations.gov*, please number all of your attachments because *www.Regulations.gov* will not automatically number the attachments. This will be very useful in identifying all attachments in the rulemaking docket. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document, etc. Specific instructions on uploading all documents are found in the Facts, Answer, Questions portion and the commenter check list on the *Regulations.gov* Web page.

Fax: If your submissions, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: You may submit your comments to the OSHA Docket Office, Docket No. OSHA–2013–0023, Room N–3653, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2350 (TTY (887) 889–5627). OSHA's Docket Office accepts deliveries (hand deliveries, express mail, and messenger/courier service) from 10 a.m. to 3 p.m. e.t., weekdays.

Instructions: All submissions must include the Agency name and the docket number for this rulemaking (Docket No. OSHA–2013–0023). All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at: *http://www.regulations.gov.* Therefore, OSHA cautions you not to submit personal information such as Social Security numbers and birthdates.

Docket: To read or download comments and materials submitted in response to this **Federal Register** notice, go to Docket No. OSHA–2013–0023 at *http://www.regulations.gov,* or to the OSHA Docket Office at the address above. All comments and submissions are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through that Web site. All comments and submissions are available for inspection at the OSHA Docket Office.

Electronic copies of this **Federal Register** document are available at *http://www.regulations.gov.* Copies also are available from the OSHA Office of Publications, Room N–3101, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1888. This document, as well as news releases and other relevant information, is also available at OSHA's Web site at *http://www.osha.gov.*

FOR FURTHER INFORMATION CONTACT: *For press inquiries:* Frank Meilinger, Director, Office of Communications, Room N–3647, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1999; email *meilinger.francis2@dol.gov.*

For general and technical information: Miriam Schoenbaum, OSHA, Office of Statistical Analysis, Room N–3507, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1841; email: *schoenbaum.miriam@dol.gov*

SUPPLEMENTARY INFORMATION:

A. Background

On May 12, 2016, the Occupational Safety and Health Administration (OSHA) published a rule entitled ''Improve Tracking of Workplace Injuries and Illnesses'' with an effective date of January 1, 2017, for the final rule's electronic reporting requirements (81 FR 29624). Under these requirements, certain employers who were required to complete Form 300A in 2016 must submit the information on the form to OSHA electronically by July 1, 2017.

The Department proposes to delay the initial deadline for electronic submission of 2016 300A data from July 1, 2017, to December 1, 2017. The data collection system was originally intended to launch in February 2017. This would have given employers four months to submit their data in time for the due date of July 1. However, the launch was postponed. OSHA now expects to launch the data collection system by August 1, and the proposed due date of December 1 will allow OSHA to provide employers the same four-month window to electronically submit their 2016 Form 300A data. This delay will also to provide the new administration the opportunity to review the new electronic reporting requirements prior to their implementation and allow affected entities sufficient time to familiarize themselves with the electronic reporting system, which will not be available until August 1. OSHA seeks comment by July 13, 2017 on its proposal to extend the submission deadline by five months to December 1, 2017. OSHA also intends to issue a separate proposal to reconsider, revise, or remove other

provisions of the prior final rule. OSHA will seek comment on those provisions in that separate proposal. In this proposal, OSHA only seeks comment on the delay of the July 1, 2017 compliance date to December 1, 2017.

B. Preliminary Economic Analysis

OSHA is proposing to delay the implementation of the electronic reporting requirements of the Improve Tracking of Workplace Injuries and Illnesses rule by five months. By July 1, 2017, all establishments were to electronically report their summary data (Form 300A). The proposed new date for reporting is December 1, 2017. The cost savings for this delay are $59,310, or $6,953 per year annualized at three percent over the same 10-year period OSHA used in the initial rulemaking. At a 7 percent discount rate, the cost savings of the proposed delay are $134,689, or $19,177 per year annualized over 10 years.

These cost savings are calculated as follows. First, OSHA subtracted costs not applicable to the proposed delay from the original private-sector cost of the final rule. The subtracted costs include the costs of familiarization and checking by unregulated establishments (both of which would have taken place after the rule was published in May 2016), the costs of the non-discrimination provision (which became enforceable in 2016), and the costs of submission of case data (the OSHA Log data) (which is not required until 2018). This yields a private-sector cost of $4,845,365 per year, for the parts of the original rule relevant to the proposed delay of the first year's submission date from July 1, 2017, to December 1, 2017.

This cost represents the cost of electronically submitting the required 2016 information from the OSHA Form 300A in 2017. The affected employers have already gathered and recorded this information, as required by a different section of Part 1904.

This proposed delay will only affect costs for this year (2017); this proposal does not affect the deadlines for electronic submission in subsequent years. Thus, the only cost savings associated with this proposal are for delaying the deadline for the electronic submission of previously-recorded data by five months, from July 1, 2017, to December 1, 2017.

The cost savings of the delay are estimated based on the interest that can now be earned on the funds involved while the report for the first year is delayed.[1] At a 3 percent discount rate, this results in a one-time cost savings of $59,310, or $6,953 per year annualized over 10 years. At a 7 percent discount rate, this results in a one-time cost savings of $134,689, or $19,177 per year annualized over 10 years.

The Agency notes that it did not include an overhead labor cost in the Final Economic Analysis (FEA) for this rule. It is important to note that there is not one broadly accepted overhead rate and that the use of overhead to estimate the marginal costs of labor raises a number of issues that should be addressed before applying overhead costs to analyze the costs of any specific regulation. There are several approaches to look at the cost elements that fit the definition of overhead, and there are a range of overhead estimates currently used within the federal government—for example, the Environmental Protection Agency has used 17 percent,[2] and government contractors have been reported to use an average of 77 percent.[3] [4] Some overhead costs, such as advertising and marketing, may be more closely correlated with output than with labor. Other overhead costs vary with the number of new employees. For example, rent or payroll processing costs may change little with the addition of 1 employee in a 500-employee firm, but may change substantially with the addition of 100 employees. If an employer is able to rearrange current employees' duties to implement a rule, then the marginal share of overhead costs such as rent, insurance, and major office equipment (*e.g.,* computers, printers, copiers) would be very difficult to measure with accuracy (*e.g.,* computer use costs associated with two hours for rule familiarization by an existing employee).

If OSHA had included an overhead rate when estimating the marginal cost of labor, without further analyzing an appropriate quantitative adjustment, and adopted for these purposes an overhead rate of 17 percent on base wages, as was done in a sensitivity analysis in the FEA in support of OSHA's 2016 final rule on Occupational Exposure to Respirable Crystalline Silica, the base wages would increase annualized cost savings by approximately $1,822 per year using a 3 percent discount rate and by $3,260 a year using a 7 percent discount rate. (Note that all costs of this proposed rule are labor costs.)

As noted below, OSHA has stated that the data submission requirements of the original final rule would lead employers to increase workplace safety and health; although the costs of the safety- and health-improving actions have not been quantified, the savings associated with a delay of such costs would be analogous to those calculated for quantified costs.

Table 1 summarizes the annualized and one-time cost savings.

TABLE 1—ANNUALIZED AND ONE-TIME COST SAVINGS [5]

Cost savings method	Annualized savings	One time cost savings
3 Percent Discount Rate	$6,953	$59,310
7 Percent Discount Rate	19,177	134,689

OSHA did not quantify the benefits of the final rule. In the economic analysis of the final rule, OSHA stated that the rule would improve OSHA's ability to identify, target, and remove safety and health hazards, thereby preventing workplace injuries, illnesses, and deaths. In addition, OSHA stated that the data submission requirements of the final rule would improve the quality of the information submitted and lead employers to increase workplace safety and health. OSHA also projected benefits associated with making the data publicly available. OSHA does not believe this relatively brief delay in initial submissions would have any effect on these benefits; however, because of the lack of quantification, there is some uncertainty as to what the impact will be. Other aspects of the final rule that OSHA determined would produce benefits, such as the non-discrimination provision and the collection of case characteristic data (OSHA Forms 300, 301) from establishments with 250 or more

[1] The entire derivation is as follows: OSHA begins with a current private sector cost of the original rule of $4,845,365 times the discount rate value of the delay of $(1+d)^{-(5/12)}$. OSHA then subtracts this value (which is $4,786,055 at 3 percent) from the full value of $4,845,365. This results in a difference of $59,310, which can be annualized at 3 percent as $6,953.

[2] Cody Rice, U.S. Environmental Protection Agency, ''Wage Rates for Economic Analyses of the Toxics Release Inventory Program,'' June 10, 2002.

[3] Grant Thornton LLP, *2015 Government Contractor Survey.* (*https://www.grantthornton.com/~/media/content-page-files/public-sector/pdfs/surveys/2015/Gov-Contractor-Survey.ashx*)

[4] For further example of overhead cost estimates, please see the Employee Benefits Security Administration's guidance at *https://www.dol.gov/sites/default/files/ebsa/laws-and-regulations/rules-and-regulations/technical-appendices/labor-cost-inputs-used-in-ebsa-opr-ria-and-pra-burden-calculations-august-2016.pdf.*

[5] All cost savings are in 2014 dollars. Costs are annualized over ten years.

employees, would not be altered by this proposed action.

This delay of five months is both economically and technologically feasible. The delay meets both criteria of feasibility because the original rule was economically and technologically feasible without a five-month delay.

OSHA has considered whether this proposed change will have a significant economic impact on small firms. As a result of these considerations, in accordance with § 605 of the Regulatory Flexibility Act, OSHA certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities. Thus, OSHA did not prepare an initial regulatory flexibility analysis or conduct a SBREFA Panel.

Consistent with EO 13771 (82 FR 9339, February 3, 2017), OSHA has estimated the annualized cost savings over 10 years for this proposed rule to range from $6,953 to $19,177, depending on the discount rate. Therefore, this proposed rule, if finalized, is expected to be an EO 13771 deregulatory action.

C. Paperwork Reduction Act

This Notice of Proposed Rulemaking does not propose changes to the information collections already approved by OMB under control number 1218–0176.

Signed at Washington, DC, on June 22, 2017.

Dorothy Dougherty,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2017–13550 Filed 6–27–17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 160229161–7558–01]

RIN 0648–BF86

Fisheries of the Northeastern United States; Amendment 6 to the Tilefish Fishery Management Plan

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Amendment 6 to the Tilefish Fishery Management Plan. Amendment 6 was developed by the Mid-Atlantic Fishery Management Council to establish management measures and 2017 harvest limits for the blueline tilefish fishery north of the Virginia/North Carolina border. These changes are intended to propose permanent management measures for this fishery, consistent with requirements of the Magnuson-Stevens Act.

DATES: Comments must be received on or before July 28, 2017.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2016–0025, by either of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA–NMFS–2016–0025,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope: ''Comments on Blueline Tilefish Amendment.''

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are part of the public record and will generally be posted to *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted via Microsoft Word, Microsoft Excel, WordPerfect, or Adobe PDF file formats only.

Copies of Amendment 6, and of the draft Environmental Assessment and preliminary Regulatory Impact Review (EA/RIR), are available from the Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901. The EA/RIR is also accessible via the Internet at: *www.greateratlantic.fisheries.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Douglas Potts, Fishery Policy Analyst, 978–281–9341.

SUPPLEMENTARY INFORMATION:

Background

This action proposes regulations to implement Amendment 6 to the Tilefish Fishery Management Plan (FMP). The Mid-Atlantic Fishery Management Council developed this amendment to establish management measures for the blueline tilefish fishery in Federal waters north of the Virginia/North Carolina border, consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The management measures contained in Amendment 6 are summarized below, with additional information and analysis are provided in the Environmental Assessment (EA) (see **ADDRESSES**).

The blueline tilefish fishery in Federal waters south of the Virginia/North Carolina border is managed by the South Atlantic Fishery Management Council as part of its Snapper-Grouper FMP. The fishery in the Mid-Atlantic has historically been minor and not subject to Federal management. In 2014, a closure of the blueline tilefish fishery in the South Atlantic resulted in a significant increase in commercial fishing effort in the Mid-Atlantic region and a 20-fold increase in blueline tilefish landings. At the request of the Mid-Atlantic Council, we implemented emergency management measures in June 2015 (80 FR 31864; June 4, 2015), to control harvest of blueline tilefish and reduce the risk of overfishing on this stock. The emergency measures were extended (80 FR 74712; November 30, 2015) to give the Council time to develop long-term management measures through Amendment 6. As work on Amendment 6 continued, we implemented additional interim measures (81 FR 39591; June 17, 2016) to control harvest during the peak fishing season in the summer and fall of 2016. Those interim measures expired December 14, 2016. Although management measures in Mid-Atlantic Federal waters lapsed, harvest of blueline tilefish in this region is still restricted by regulations implemented by several Mid-Atlantic states. Amendment 6 proposes to establish mechanisms and measures to ensure ongoing and consistent management of the blueline tilefish fishery in Federal waters north of the Virginia/North Carolina border.

Proposed Management Unit, FMP Objectives, Status Determination Criteria

We are proposing the Council's recommendation of a management unit for blueline tilefish encompassing the U.S. Exclusive Economic Zone (EEZ) from the North Carolina/Virginia border (36.550278 N Latitude) extending north to the maritime boundary with Canada.

This management unit is consistent with the Council's existing management unit for golden tilefish.

The Council chose to adopt the management objectives of the current Tilefish FMP to also apply for blueline tilefish, with the addition that ''management will reflect blueline tilefish's susceptibility of overfishing and the need of an analytical stock assessment.'' The management objectives of the Tilefish FMP, as most recently updated by Amendment 1 (74 FR 42580; August 24, 2009), are: (1) Prevent overfishing and rebuild the resource to the biomass that would support maximum sustainable yield (MSY); (2) prevent overcapitalization and limit new entrants; (3) identify and describe essential tilefish habitat; and (4) collect necessary data to develop, monitor, and assess biological, economic, and social impacts of management measures designed to prevent overfishing and to reduce bycatch of tilefish in all fisheries.

Section 303(a)(10) of the Magnuson-Stevens Act requires FMPs specify criteria for identifying when the fishery is overfished. Through Amendment 6, the Council has recommended to define stock status determination criteria for blueline tilefish based on the results of the most recent approved stock assessment, consistent with stocks managed under all of the Council's other FMPs. The Council's Scientific and Statistical Committee (SSC) determined the most recent stock assessment for blueline tilefish in the South Atlantic (SEDAR 32) does not adequately assess the Mid-Atlantic population. Therefore, the SEDAR 32 assessment does not provide a basis for directly specifying stock status determination criteria, including an overfished definition, at this time. The Council is recommending accountability measures in this amendment that rely on a biomass (B) threshold to determine when the stock is overfished. The recommended accountability measure considers the blueline tilefish stock to be overfished when the ratio of B/B_{MSY} is less than 0.5. Until new criteria are available, we propose to accept this definition to fulfill the overfished definition requirement outlined in the Magnuson-Stevens Act. The Council anticipates new stock status determination criteria will be established through a stock assessment currently being jointly conducted by the South Atlantic and Mid-Atlantic Fishery Management Councils through the SouthEast Data, Assessment, and Review process (SEDAR 50). The assessment is due to be completed in August 2017.

The Magnuson-Stevens Act also requires all FMPs contain measures which are ''necessary and appropriate for the conservation and management of the fishery to prevent overfishing.'' The Council's analysis in Amendment 6 indicates that there is insufficient scientific information currently available to establish a quantitative overfishing limit for the blueline tilefish population in the Mid-Atlantic. Analysis conducted by the Council's SSC found that constraining catch of Mid-Atlantic blueline tilefish to the recommended Acceptable Biological Catch (ABC) of 87,031 lb (39,476 kg) would be unlikely to result in overfishing. Because this harvest limit is set at a level sufficient to prevent overfishing, we proposed that it is consistent with the Magnuson-Stevens Act requirement at 303(a)(1)(A).

Proposed Permitting and Reporting Requirements

We are proposing the following permitting and reporting requirements recommended by the Council as part of Amendment 6.

Commercial Vessels

A commercial fishing vessel would be required to be issued an open-access tilefish commercial vessel permit in order to retain and land blueline tilefish. This is the same vessel permit that is already used for vessels fishing for golden tilefish, and vessel owners and operators would be subject to the current requirements to have an operator permit and to maintain and submit Vessel Trip Reports (VTRs) for each fishing trip.

For-Hire Vessels

Fishing vessels that carry recreational anglers for hire would be required to have an open-access tilefish charter/party vessel permit in order to fish for, retain, or land blueline tilefish. This is the same vessel permit that is already used for charter and party vessels that fish for golden tilefish, and vessel owners and operators would be subject to the current requirements to have an operator permit and to maintain and submit Vessel Trip Reports (VTRs) for each fishing trip.

Commercial Dealers

A commercial seafood dealer must have a tilefish dealer permit in order to purchase, possess, or receive blueline tilefish harvested from the Tilefish Management Unit. This is the same dealer permit already in use for dealers of golden tilefish in the region.

Details about permit requirements for commercial fishing vessels, party/charter vessels, vessel operators, and commercial dealers, including application forms, are available at: *www.greateratlantic.fisheries.noaa.gov/aps/permits/index.html.*

Private Recreational Vessels

We propose to require private recreational anglers or vessels obtain a fishing permit to fish for or retain golden or blueline tilefish in the Tilefish Management Unit. However, additional development work is necessary before we can issue recreational tilefish permits or require private anglers to start reporting their catch. Potential factors being considered include: Whether to issue permits to individuals or vessels; whether to create a new recreational permit or create a new endorsement within the existing Highly Migratory Species permitting system; whether catch reporting should include all fish caught on a trip or just golden and blueline tilefish; and whether to develop a dedicated application for smartphones and tablets to report catch or use a web browser-based report.

While this proposed rule does not include specific regulatory text to propose the specifics of a private angler/vessel permit and reporting system, we are generally proposing these measures for approval, and seek public comment on the issues mentioned above. If generally approved as part of Amendment 6, the specific permitting and reporting measures for private recreational anglers/vessels fishing for tilefish will be proposed at a later date with additional opportunity for public comment, consistent with requirements of the Administrative Procedure Act.

Proposed Possession Limits and Fishing Season

Commercial

Commercial vessels would be limited to a maximum possession of 300 lb (136 kg) of blueline tilefish per trip. Blueline tilefish could be gutted, but must to be landed with the head and fins naturally attached.

Recreational

The proposed recreational blueline tilefish possession limit would depend on the type of vessel used. Anglers fishing from private vessels would be allowed to keep up to three blueline tilefish per person per trip. Anglers fishing from a for-hire vessel that has been issued a valid Tilefish Charter/Party Permit, but does not have a current U.S. Coast Guard safety inspection sticker could retain up to five blueline tilefish per person per trip. Finally, anglers on for-hire vessels that

have both a valid Tilefish Charter/Party Permit and a current U.S. Coast Guard safety inspection sticker could retain up to seven blueline tilefish per person per trip.

The recreational fishery for blueline tilefish would be open from May 1 through October 31, annually. Recreational anglers would be prohibited from fishing for or possessing blueline tilefish outside of this season.

Proposed ABC Risk Policy, Annual Catch Limit Process, and Sector Allocations

Section 303(a)(15) of the Magnuson-Stevens Act requires FMPs to establish a mechanism for specifying annual catch limits (ACLs), implementing regulations, or annual specifications to prevent overfishing. In addition, the Act requires the Council's SSC to provide it with ongoing scientific advice, including recommendations for ABC (see MSA 302(g)(1)(B)).

Through Amendment 6, the Council opted to apply the same ABC control rules and risk policy it uses for other stocks it manages, described in the regulations at 50 CFR 648.20 and 648.21, respectively.

The ACL process proposed for blueline tilefish under Amendment 6 would be consistent with the specifications-setting process for other stocks managed by the Council. The Council's SSC would review the available scientific information, the ABC control rule, and other relevant information before making ABC recommendations to the Council for up to 3 years. The recommendations of the SSC would be reviewed by the existing Tilefish Monitoring Committee, which would provide recommendations to the Council and/or relevant committee to ensure the blueline tilefish specifications are not exceeded and to address any other operational aspects of the fishery. To establish specific harvest limits, the recommended ABC would be allocated, as described below, to establish separate ACLs for the commercial and recreational sectors of the fishery. These ACLs may be reduced to account for management uncertainty to establish Annual Catch Targets (ACTs). Finally, anticipated discards would be subtracted to determine the total allowable landings (TAL) amount for each sector. The Council would develop other management measures (seasons, trip limits, etc. as described above) that would be expected to meet the TAL and not exceed the ACL. If the Council re-establishes a research set-aside program, up to 3 percent of the TAL could be set aside in such a program.

The Council used available catch records, including recreational catches reconstructed through a Council workshop through an iterative Delphi technique approach, to analyze options for allocating the allowable catch between the recreational and commercial sectors of the fishery. The Council opted to use the median catch percentages from 2009–2013. As a result, we are proposing the Amendment 6 recommended allocation of 73 percent of the annual catch to the recreational fishery and 27 percent to the commercial fishery.

Proposed 2017 Specifications

Table 1 outlines proposed catch limits for blueline tilefish for the 2017 fishing year. We would count landings of blueline tilefish in or from the Tilefish Management Unit that have already occurred in 2017 against these limits when determining if a harvest limit has been met or exceeded.

TABLE 1—PROPOSED BLUELINE TILEFISH SPECIFICATIONS

Specification	Recreational	Commercial
ABC	87,031 lb (39,476 kg).	
ACLs	63,533 lb (28,818 kg)	23,498 lb (10,658 kg).
ACTs	63,533 lb (28,818 kg)	23,498 lb (10,658 kg).
TALs	62,262 lb (28,242 kg)	23,263 lb (10,552 kg).

Proposed Accountability Measures

The Magnuson-Stevens Act requires that FMPs include measures to ensure accountability with ACLs, and NMFS has created guidelines for how management measures might meet this requirement (see § 600.310(g)). We propose different accountability measures (AMs) to address the particular needs of the commercial and recreational sectors of the fishery.

Commercial blueline tilefish landings would be monitored during the fishing year based on dealer reports and other available information. If we determine the commercial TAL will be exceeded, we would close the commercial blueline tilefish fishery, prohibiting possession or landing blueline tilefish for sale for the remainder of the fishing year, through publication of a notice in the **Federal Register.** If the commercial catch of blueline tilefish exceeds the ACL, we would deduct the amount of the overage from the commercial ACL the following year.

Catch data for the recreational fishery is much more uncertain than for the commercial fishery. We propose comparing a 3-year moving average of recreational catch to the 3-year average of the recreational ACL to determine whether the ACL has been exceeded and accountability measures for the recreational fishery are warranted. This would be phased in so that catch in 2017 would be compared to the 2017 ACL, and next year the average catch in 2017 and 2018 would be compared to the average ACL in 2017 and 2018. In subsequent years we would use 3-year moving averages. If this comparison shows the recreational ACL was exceeded, then the extent of the accountability measure would depend on the status of the stock and the significance of the overage.

If the most recent estimate of biomass is below the B_{MSY} threshold (*i.e.,* the stock is overfished), the stock is under a rebuilding plan, or the biological reference points are unknown, and the recreational ACL has been exceeded, then in the following fishing year the recreational ACT would be reduced by the exact amount, in pounds, by which the most recent year's recreational catch estimate exceeded the most recent year's recreational ACL. Changes to management measures would also be considered through the specifications process to avoid future overages. If the most recent estimate of biomass is above B_{MSY} (*i.e.,* the stock is above the biomass target), then adjustments to the recreational management measures would be made in the following fishing year, but a reduction in the recreational ACT would not be necessary. If the stock biomass is between these extremes, the accountability measures would be scaled.

If the most recent estimate of biomass is above the biomass threshold, but

below the biomass target (B/B_{MSY} is greater than 0.5 but less than 1.0), and the stock is not under a rebuilding plan, then the severity of the payback would depend on the significance of the overage. If the recreational ACL was exceeded but the overall ABC was not, then adjustments to the recreational management measures would be made in the following fishing year, but a reduction in the recreational ACT would not be necessary. If the ABC was exceeded, in addition to adjusting the recreational management measures, a deduction from the recreational ACT would be made in the following fishing year. The size of the deduction would be proportional to the health of the stock. The ACT would be reduced by the amount of the overage (in pounds) multiplied by a payback coefficient. The payback coefficient would be the difference between the most recent estimate of biomass and B_{MSY} (*i.e.,* $B_{MSY} - B$) divided by one-half of B_{MSY}. This coefficient allows for a smaller deduction if the stock is close to the biomass target and a larger deduction the more the stock is below the target.

Proposed Essential Fish Habitat (EFH)

The Council recommends, and we propose to approve, the following EFH definition for different life stages of blueline tilefish based on the best available scientific information:

Eggs and larvae: Blueline tilefish egg and larval EFH in the Greater Atlantic region is the water column on the outer continental shelf from eastern Georges Bank to the Virginia/North Carolina boundary in depths of 46–256 m (151–840 ft).

Juveniles and adults: Blueline tilefish juvenile and adult EFH in the Greater Atlantic region is benthic habitats on the outer continental shelf from eastern Georges Bank to the Virginia/North Carolina boundary in depths of 46–256 m (151–840 ft) at bottom water temperatures which range from 8–18 °C (46–64 °F). Blueline tilefish create horizontal or vertical burrows in sediments composed of silt, clay, and sand.

The Council is currently conducting a comprehensive review of EFH designations and fishery impacts on habitat for all Council-managed species, including blueline tilefish. The EFH Review Fishery Management Action Team will review scientific and technical information on fish habitat and develop recommendations as to whether changes to the existing EFH descriptions and other habitat components of the FMPs are warranted. Based on this review, the Council may choose to modify its FMPs (*e.g.,* revise EFH descriptions, designate Habitat Areas of Particular Concern, or implement other habitat management measures).

Proposed Framework Adjustment Measures

Framework adjustments allow the Council to make changes to management measures that were previously considered in the FMP or FMP amendment through a more efficient process than a full FMP amendment. The Council recommends that actions currently able to be changed by a framework adjustment for golden tilefish could also be changed for blueline tilefish. In addition, changes to the blueline tilefish recreational/commercial allocations within the ranges previously considered by this action, could also be made through a framework adjustment. We propose the blueline tilefish management measures that could be changed by framework adjustment would be:

- Minimum fish size;
- Minimum hook size;
- Closed seasons;
- Closed areas;
- Gear restrictions or prohibitions;
- Permitting restrictions;
- Gear limits;
- Trip limits;
- Adjustments within existing ABC control rule levels;
- Adjustments to the existing Council risk policy;
- Introduction of new AMs, including sub ACTs;
- Annual specification quota setting process;
- Tilefish FMP Monitoring Committee composition and process;
- Description and identification of EFH;
- Fishing gear management measures that impact EFH;
- Habitat areas of particular concern;
- Set-aside quotas for scientific research;
- Changes, as appropriate, to the standardized bycatch reporting methodology, including the coefficient of variation-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs;
- Recreational management measures, including the bag limit, minimum fish size limit, seasons, and gear restrictions or prohibitions;
- Blueline tilefish recreational permitting and reporting requirements previously considered by the Council; and
- Blueline tilefish allocations between the commercial and recreational sectors of the fishery within the range of allocation alternatives considered by the Council in Amendment 6.

Measures that require significant departures from previously contemplated measures or that are otherwise introducing new concepts may require a formal amendment of the FMP instead of a framework adjustment.

Pursuant to section 303(c) of the Magnuson-Stevens Act, the Council has deemed that this proposed rule is necessary and appropriate for the purpose of implementing Amendment 6 to the Tilefish FMP. After the Council reviewed the proposed regulations, we decided to propose an additional regulation at § 648.296(c) to clarify enforcement of the tilefish recreational possession limits.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Acting Assistant Administrator has determined that this proposed rule is consistent with the Tilefish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The Council prepared an analysis of the potential economic impacts of the action, which is included in the draft EA for this action and supplemented by information contained in the preamble of this proposed rule.

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliated operations, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide. The SBA has established size standards for all other major industry sectors in the U.S., including that for-hire fishing firms (NAICS code 487210) with receipts of up to $7.5 million are

defined as small, and seafood dealers/wholesalers (NAICS code 424460) are defined as small if they have fewer than 100 employees. Using these definitions, there are 4 large and 194 small entities (108 small commercial harvesting entities, 36 small for-hire entities, and 50 small seafood dealers) that reported catching or purchasing blueline tilefish during 2013–2015.

For the 108 small commercial harvesting entities, their total revenues for 2013–2015 averaged $649,948 while their blueline tilefish revenues averaged $1,826. Revenue data were not available for the 36 small for-hire entities. However, during 2013–2015 the annual total number of fish kept by anglers on these vessels averaged 107,645 fish while the blueline tilefish kept averaged 560 fish. The 50 Federal dealers with blueline tilefish records averaged total annual purchases of $4.6 million during 2013–2015, while their average blueline tilefish purchases were just $9,543.

Given the low number of small entities involved in the blueline tilefish fishery, and the small proportion of revenues/fish represented by blueline tilefish for these small entities, this action will not have a ''significant economic impact on a substantial number of small entities'' even if short term revenues are negatively affected for some entities. In addition, the proposed measures would not eliminate but only reduce fishing for blueline tilefish, and vessels and dealers would likely seek and be able to find ways to mitigate any possible revenue reductions related to restrictions on catch of blueline tilefish. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: June 21, 2017.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 648.1, revise paragraph (a) to read as follows:

§ 648.1 Purpose and scope.

(a) This part implements the fishery management plans (FMPs) for the Atlantic mackerel, squid, and butterfish fisheries (Atlantic Mackerel, Squid, and Butterfish FMP); Atlantic salmon (Atlantic Salmon FMP); the Atlantic sea scallop fishery (Scallop FMP); the Atlantic surfclam and ocean quahog fisheries (Atlantic Surfclam and Ocean Quahog FMP); the NE multispecies and monkfish fisheries ((NE Multispecies FMP) and (Monkfish FMP)); the summer flounder, scup, and black sea bass fisheries (Summer Flounder, Scup, and Black Sea Bass FMP); the Atlantic bluefish fishery (Atlantic Bluefish FMP); the Atlantic herring fishery (Atlantic Herring FMP); the spiny dogfish fishery (Spiny Dogfish FMP); the Atlantic deep-sea red crab fishery (Deep-Sea Red Crab FMP); the golden and blueline tilefish fisheries (Tilefish FMP); and the NE skate complex fisheries (Skate FMP). These FMPs and the regulations in this part govern the conservation and management of the above named fisheries of the Northeastern United States.

* * * * *

■ 3. Section 648.2 is amended as follows:

■ a. Add definition ''Blueline tilefish,''

■ b. Revise definition for paragraph 4, ''Fishing year,''

■ c. Add definition ''Golden tilefish,''

■ d. Revise definition for paragraph 2, ''Lessee,''

■ e. Revise definition for paragraph 2, ''Lessor,''

■ f. Revise definition ''Tilefish,''

■ g. Revise definition ''Tilefish FMP Monitoring Committee,'' and

■ h. Revise definition ''Tilefish Management Unit.''

§ 648.2 Definitions.

* * * * *

Blueline tilefish means *Caulolatilus microps.*

* * * * *

Fishing year means:

* * * * *

(4) For the golden tilefish fishery, from November 1 through October 31 of the following year.

* * * * *

Golden tilefish means *Lopholatilus chamaeleonticeps.*

* * * * *

Lessee means:

* * * * *

(2) A person or entity eligible to hold golden tilefish IFQ allocation, who receives temporarily transferred golden tilefish IFQ allocation, as specified at § 648.294(e)(1).

Lessor means:

* * * * *

(2) An IFQ allocation permit holder who temporarily transfers golden tilefish IFQ allocation, as specified at § 648.294(e)(1).

* * * * *

Tilefish means golden tilefish and blueline tilefish, collectively, unless otherwise noted.

Tilefish FMP Monitoring Committee means a committee made up of staff representatives of the MAFMC, the NMFS Greater Atlantic Regional Fisheries Office, the Northeast Fisheries Science Center, up to three state representatives (the New England states having one representative and the Mid-Atlantic states having a maximum of two representatives) and one non-voting industry member. The MAFMC Executive Director or his designee chairs the committee.

Tilefish Management Unit means an area of the Atlantic Ocean from the latitude of the VA and NC border (36°33.36′ N. Lat.), extending eastward from the shore to the outer boundary of the exclusive economic zone and northward to the United States-Canada border in which the United States exercises exclusive jurisdiction over all golden tilefish (*Lopholatilus chamaeleonticeps*) and blueline tilefish (*Caulolatilus microps)* fished for, possessed, caught or retained in or from such area.

* * * * *

■ 4. In § 648.4, paragraphs (a)(12)(i), (a)(12)(ii), and (b)(1)(i) are revised to read as follows:

§ 648.4 Vessel permits.

(a) * * *

(12) *Tilefish vessels.*

(i) *Commercial vessel permits.* Any vessel of the United States must have been issued, under this part, and carry on board, a valid commercial vessel permit to fish for, possess, or land golden tilefish or blueline tilefish for a commercial purpose, in or from the Tilefish Management Unit.

(A) A commercial vessel must fish under the authorization of a golden tilefish IFQ allocation permit, issued pursuant to § 648.294, to possess, or land golden tilefish in excess of the trip limit as specified under § 648.295(a).

(B) [Reserved]

(ii) *Party and charter vessel permits.* Any party or charter vessel must have been issued, under this part, a Federal Charter/Party vessel permit to fish for either golden tilefish or blueline tilefish in the Tilefish Management Unit, if it carries passengers for hire. Such vessel must observe the recreational

possession limits as specified at § 648.296 and the prohibition on sale.

* * * * *

(b) *Permit conditions.* (1)(i) Any person who applies for and is issued or renews a fishing permit under this section agrees, as a condition of the permit, that the vessel and the vessel's fishing activity, catch, and pertinent gear (without regard to whether such fishing occurs in the EEZ or landward of the EEZ; and without regard to where such fish or gear are possessed, taken, or landed); are subject to all requirements of this part, unless exempted from such requirements under this part. All such fishing activities, catch, and gear will remain subject to all applicable state requirements. Except as otherwise provided in this part, if a requirement of this part and a management measure required by a state or local law differ, any vessel owner permitted to fish in the EEZ for any species managed under this part, except tilefish, must comply with the more restrictive requirement. Except as otherwise provided in this part, if a requirement of this part and a management measure required by a state or local law differ, any vessel owner permitted to fish in the tilefish management unit for tilefish managed under this part must comply with the more restrictive requirement. Owners and operators of vessels fishing under the terms of a summer flounder moratorium, scup moratorium, or black sea bass moratorium; or a spiny dogfish or bluefish commercial vessel permit, must also agree not to land summer flounder, scup, black sea bass, spiny dogfish, or bluefish, respectively, in any state after NMFS has published a notification in the **Federal Register** stating that the commercial quota for that state or period has been harvested and that no commercial quota is available for the respective species. A state not receiving an allocation of summer flounder, scup, black sea bass, or bluefish, either directly or through a coast-wide allocation, is deemed to have no commercial quota available. Owners and operators of vessels fishing under the terms of the tilefish commercial permit must agree not to land golden tilefish or blueline tilefish after NMFS has published a notification in the **Federal Register** stating that the respective quota for the golden tilefish incidental fishery and/or the commercial blueline tilefish fishery has been harvested, as described in § 648.295, unless landing golden tilefish authorized under a golden tilefish IFQ allocation permit. Owners or operators fishing for surfclams and ocean quahogs within waters under the jurisdiction of any state that requires cage tags are not subject to any conflicting Federal minimum size or tagging requirements. If a surfclam and ocean quahog requirement of this part differs from a surfclam and ocean quahog management measure required by a state that does not require cage tagging, any vessel owners or operators permitted to fish in the EEZ for surfclams and ocean quahogs must comply with the more restrictive requirement while fishing in state waters. However, surrender of a surfclam and ocean quahog vessel permit by the owner by certified mail addressed to the Regional Administrator allows an individual to comply with the less restrictive state minimum size requirement, as long as fishing is conducted exclusively within state waters.

* * * * *

■ 5. In § 648.5, paragraph (a) is revised to read as follows:

§ 648.5 Operator permits.

(a) *General.* Any operator of a vessel fishing for or possessing: Atlantic sea scallops, NE multispecies, spiny dogfish, monkfish, Atlantic herring, Atlantic surfclam, ocean quahog, Atlantic mackerel, squid, butterfish, scup, black sea bass, or Atlantic bluefish, harvested in or from the EEZ; golden tilefish or blueline tilefish harvested in or from the EEZ portion of the Tilefish Management Unit; skates harvested in or from the EEZ portion of the Skate Management Unit; or Atlantic deep-sea red crab harvested in or from the EEZ portion of the Red Crab Management Unit, issued a permit, including carrier and processing permits, for these species under this part, must have been issued under this section, and carry on board, a valid operator permit. An operator's permit issued pursuant to part 622 or part 697 of this chapter satisfies the permitting requirement of this section. This requirement does not apply to operators of recreational vessels.

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■ 6. In § 648.6, paragraph (a)(1) is revised to read as follows:

§ 648.6 Dealer/processor permits.

(a) *General.* (1) All dealers of NE multispecies, monkfish, skates, Atlantic herring, Atlantic sea scallop, Atlantic deep-sea red crab, spiny dogfish, summer flounder, Atlantic surfclam, ocean quahog, Atlantic mackerel, squid, butterfish, scup, bluefish, golden tilefish, blueline tilefish, and black sea bass; Atlantic surfclam and ocean quahog processors; Atlantic hagfish dealers and/or processors, and Atlantic herring processors or dealers, as described in § 648.2; must have been issued under this section, and have in their possession, a valid permit or permits for these species.

* * * * *

■ 7. In § 648.14, paragraph (u) is revised to read as follows:

§ 648.14 Prohibitions.

* * * * *

(u) *Golden and blueline tilefish.* It is unlawful for any person owning or operating a vessel to do any of the following:

(1) *Permit requirements*—(i) *Operator permit.* Operate, or act as an operator of, a vessel with a tilefish permit, or a vessel fishing for or possessing golden or blueline tilefish in or from the Tilefish Management Unit, unless the operator has been issued, and is in possession of, a valid operator permit. This requirement does not apply to operators of private recreational vessels.

(ii) *Dealer permit.* Purchase, possess, receive for a commercial purpose; or attempt to purchase, possess, or receive for a commercial purpose; as a dealer, or in the capacity of a dealer, golden or blueline tilefish that were harvested in or from the Tilefish Management Unit, without having been issued, and in possession of, a valid tilefish dealer permit.

(iii) *Vessel permit.* (A) Sell, barter, trade, or otherwise transfer from a vessel; or attempt to sell, barter, trade, or otherwise transfer from a vessel; for a commercial purpose, other than solely for transport on land, any golden or blueline tilefish, unless the vessel has been issued a commercial tilefish permit, or unless the tilefish were harvested by a vessel without a commercial tilefish permit that fished exclusively in State waters.

(B) Operate a vessel that takes recreational fishermen for hire to fish for golden or blueline tilefish in the Tilefish Management Unit without a valid Tilefish Charter/Party Vessel Permit, as required in § 648.4(a)(12)(i).

(2) *Possession and landing.* (i) Fish for, possess, retain, or land golden or blueline tilefish, unless:

(A) The tilefish are being fished for or were harvested in or from the Tilefish Management Unit by a vessel holding a valid tilefish permit under this part, and the operator on board such vessel has been issued an operator permit that is on board the vessel.

(B) The tilefish were harvested by a vessel that has not been issued a tilefish permit and that was fishing exclusively in State waters.

(C) The tilefish were harvested in or from the Tilefish Management Unit by

a vessel, other than a Charter/Party vessel, that is engaged in recreational fishing.

(ii) Land or possess golden or blueline tilefish harvested in or from the Tilefish Management Unit, in excess of either:

(A) The relevant commercial trip limit specified at § 648.295, unless possessing golden tilefish authorized pursuant to a valid tilefish IFQ allocation permit, as specified in § 648.294(a).

(B) The relevant recreational possession limit specified at § 648.296, if engaged in recreational fishing including charter/party vessels.

(iii) Land golden tilefish harvested in or from the Tilefish Management Unit in excess of that authorized under a tilefish IFQ allocation permit as described at § 648.294(a).

(iv) Fish for golden or blueline tilefish inside and outside of the Tilefish Management Unit on the same trip.

(v) Discard golden tilefish harvested in or from the Tilefish Management Unit, as defined in § 648.2, unless participating in recreational fishing, as defined in § 648.2, or while fishing subject to a trip limit pursuant to § 648.295(a).

(vi) Land or possess golden tilefish in or from the Tilefish Management Unit, on a vessel issued a valid tilefish permit under this part, after the incidental golden tilefish fishery is closed pursuant to § 648.295(a)(2), unless fishing under a valid tilefish IFQ allocation permit as specified in § 648.294(a), or engaged in recreational fishing.

(vii) Land or possess blueline tilefish in or from the Tilefish Management Unit, on a vessel issued a valid tilefish permit under this part, after the commercial blueline tilefish fishery is closed pursuant to § 648.295(b)(2), unless engaged in recreational fishing.

(viii) Land or possess blueline tilefish in or from the Tilefish Management Unit, on a vessel issued a valid commercial tilefish permit under this part, that do not have the head and fins naturally attached to the fish.

(3) *Transfer and purchase.* (i) Purchase, possess, or receive for a commercial purpose, other than solely for transport on land; or attempt to purchase, possess, or receive for a commercial purpose, other than solely for transport on land; golden or blueline tilefish caught by a vessel without a tilefish permit, unless the tilefish were harvested by a vessel without a tilefish permit that fished exclusively in State waters.

(ii) Purchase or otherwise receive for commercial purposes golden or blueline tilefish caught in the EEZ from outside the Tilefish Management Unit unless otherwise permitted under 50 CFR part 622.

(4) *Presumption.* For purposes of this part, the following presumption applies: All golden or blueline tilefish retained or possessed on a vessel issued any permit under § 648.4 are deemed to have been harvested in or from the Tilefish Management Unit, unless the preponderance of all submitted evidence demonstrates that such tilefish were harvested by a vessel fishing exclusively in State waters.

* * * * *

■ 8. Part 648 Subpart N heading is revised to read as follows:

Subpart N—Management Measures for the Golden Tilefish and Blueline Tilefish Fisheries

* * * * *

■ 9. Section 648.290 is revised to read as follows:

§ 648.290 Tilefish Annual Catch Limits (ACL).

(a) *Golden tilefish.* The Tilefish Monitoring Committee shall recommend to the MAFMC an ACL for the commercial golden tilefish fishery, which shall be equal to the ABC recommended by the SSC.

(1) [Reserved]

(2) *Periodicity.* The tilefish commercial ACL may be established on an annual basis for up to 3 years at a time, dependent on whether the SSC provides single or multiple-year ABC recommendations.

(b) *Blueline tilefish.* The Tilefish Monitoring Committee shall recommend to the MAFMC separate ACLs for the commercial and recreational blueline tilefish fisheries, the sum total of which shall be equal to the ABC recommended by the SSC.

(1) *Sector allocations.* The ACL for the commercial sector of the blueline tilefish fishery shall be 27 percent of the ABC, and the ACL for the recreational sector of the fishery shall be 73 percent of the ABC.

(2) *Periodicity.* The blueline tilefish commercial and recreational ACLs may be established on an annual basis for up to 3 years at a time, dependent on whether the SSC provides single or multiple-year ABC recommendations.

(c) *Performance review.* The Tilefish Monitoring Committee shall conduct a detailed review of golden tilefish and blueline tilefish fishery performance relative to the appropriate sector ACLs at least every 5 years.

(1) If an ACL is exceeded with a frequency greater than 25 percent (*i.e.,* more than once in 4 years or in any 2 consecutive years), the Tilefish Monitoring Committee will review fishery performance information and make recommendations to the MAFMC for changes in measures intended to ensure ACLs are not as frequently exceeded.

(2) The MAFMC may specify more frequent or more specific ACL performance review criteria as part of a stock rebuilding plan following a determination that either the golden tilefish or blueline tilefish stock has become overfished.

(3) Performance reviews shall not substitute for annual reviews that occur to ascertain if prior year ACLs have been exceeded, but may be conducted in conjunction with such reviews.

* * * * *

■ 10. Section 648.291 is revised to read as follows:

§ 648.291 Tilefish Annual Catch Targets (ACT).

(a) *Golden tilefish.* The Tilefish Monitoring Committee shall identify and review the relevant sources of management uncertainty to recommend an ACT as part of the golden tilefish specification process. The Tilefish Monitoring Committee recommendations shall identify the specific sources of management uncertainty that were considered, technical approaches to mitigating these sources of uncertainty, and any additional relevant information considered in the ACT recommendation process.

(1) *Sectors.* The ACT shall be less than or equal to the ACL. The Tilefish Monitoring Committee shall include the fishing mortality associated with the recreational fishery in its ACT recommendations only if this source of mortality has not already been accounted for in the ABC recommended by the SSC. The Tilefish Monitoring Committee shall recommend any reduction in catch necessary to address sector-specific management uncertainty, consistent with paragraph (a) of this section.

(2) *Periodicity.* ACTs may be established on an annual basis for up to 3 years at a time, dependent on whether the SSC provides single or multiple-year ABC recommendations.

(b) *Blueline tilefish.* The Tilefish Monitoring Committee shall identify and review the relevant sources of management uncertainty to recommend ACTs for the commercial and recreational fishing sectors as part of the blueline tilefish specification process. The Tilefish Monitoring Committee recommendations shall identify the specific sources of management uncertainty that were considered,

technical approaches to mitigating these sources of uncertainty, and any additional relevant information considered in the ACT recommendation process.

(1) *Sectors.* Commercial and recreational specific ACTs shall be less than or equal to the sector-specific ACLs. The Tilefish Monitoring Committee shall recommend any reduction in catch necessary to address sector-specific management uncertainty, consistent with paragraph (b) of this section.

(2) *Periodicity.* ACTs may be established on an annual basis for up to 3 years at a time, dependent on whether the SSC provides single or multiple-year ABC recommendations.

(c) *Performance review.* The Tilefish Monitoring Committee shall conduct a detailed review of golden tilefish and blueline tilefish fishery performance relative to the appropriate ACTs in conjunction with any ACL performance review, as outlined in § 648.290(c)(1) through (3).

* * * * *

■ 11. Section 648.292 is revised to read as follows:

§ 648.292 Tilefish specifications.

(a) *Golden Tilefish.* The golden tilefish fishing year is the 12-month period beginning with November 1, annually.

(1) *Annual specification process.* The Tilefish Monitoring Committee shall review the ABC recommendation of the SSC, golden tilefish landings and discards information, and any other relevant available data to determine if the golden tilefish ACL, ACT, or total allowable landings (TAL) requires modification to respond to any changes to the golden tilefish stock's biological reference points or to ensure that the rebuilding schedule is maintained. The Monitoring Committee will consider whether any additional management measures or revisions to existing measures are necessary to ensure that the TAL will not be exceeded. Based on that review, the Monitoring Committee will recommend golden tilefish ACL, ACT, and TAL to the Tilefish Committee of the MAFMC. Based on these recommendations and any public comment received, the Tilefish Committee shall recommend to the MAFMC the appropriate golden tilefish ACL, ACT, TAL, and other management measures for a single fishing year or up to 3 years. The MAFMC shall review these recommendations and any public comments received, and recommend to the Regional Administrator, at least 120 days prior to the beginning of the next fishing year, the appropriate golden tilefish ACL, ACT, TAL, the percentage of TAL allocated to research quota, and any management measures to ensure that the TAL will not be exceeded, for the next fishing year, or up to 3 fishing years. The MAFMC's recommendations must include supporting documentation, as appropriate, concerning the environmental and economic impacts of the recommendations. The Regional Administrator shall review these recommendations, and after such review, NMFS will publish a proposed rule in the **Federal Register** specifying the annual golden tilefish ACL, ACT, TAL and any management measures to ensure that the TAL will not be exceeded for the upcoming fishing year or years. After considering public comments, NMFS will publish a final rule in the **Federal Register** to implement the golden tilefish ACL, ACT, TAL and any management measures. The previous year's specifications will remain effective unless revised through the specification process and/or the research quota process described in paragraph (a)(5) of this section. NMFS will issue notification in the **Federal Register** if the previous year's specifications will not be changed.

(2) *Total Allowable Landings (TAL).* (i) The TAL for each fishing year will be specified pursuant to paragraph (a)(1) of this section.

(ii) The sum of the TAL and the estimated discards shall be less than or equal to the ACT.

(3) *TAL allocation.* For each fishing year, up to 3 percent of the golden tilefish TAL may be set aside for the purpose of funding research. Once a research amount, if any, is set aside, the golden tilefish TAL will first be reduced by 5 percent to adjust for the incidental catch. The remaining TAL will be allocated to the individual IFQ permit holders as described in § 648.294(a).

(4) *Adjustments to the quota.* If the incidental harvest exceeds 5 percent of the golden tilefish TAL for a given fishing year, the incidental trip limit specified at § 648.295(a)(1) may be reduced in the following fishing year. If an adjustment is required, a notification of adjustment of the quota will be published in the **Federal Register**.

(5) *Research quota.* See § 648.22(g).

(b) *Blueline tilefish.* The blueline tilefish fishing year is the calendar year beginning on January 1, annually.

(1) *Recommended measures.* Based on annual review, the Tilefish Monitoring Committee shall recommend to the Tilefish Committee of the MAFMC measures to ensure that the ACLs specified by the process outlined in § 648.290(b), including:

(i) Total Allowable Landings (TAL) for both the commercial and recreational sectors for each fishing year, where the sum of the TAL and sector-specific estimated discards shall be less than or equal to the sector ACT;

(ii) Research quota for both the commercial and recreational sectors set from a range of 0 to 3 percent of the TAL, as described in paragraph (b)(3) of this section;

(iii) Commercial trip limit;

(iv) Commercial minimum fish size;

(v) Recreational possession limit;

(vi) Recreational minimum fish size;

(vii) Recreational season;

(viii) Retention requirements; and/or

(ix) Any other measure needed to ensure the ACLs are not exceeded.

(2) *Annual specification process.* The Tilefish Committee of the MAFMC shall review the recommendations of the Tilefish Monitoring Committee. Based on these recommendations and any public comment received, the Tilefish Committee shall recommend to the MAFMC the appropriate ACL, ACT, TAL, and other management measures for the blueline tilefish commercial and recreational sectors for a single fishing year or up to 3 years. The MAFMC shall review these recommendations and any public comments received, and recommend to the Regional Administrator, at least 120 days prior to the beginning of the next fishing year, the appropriate blueline tilefish ACLs, ACTs, TALs, the percentage of TAL allocated to research quota, and any management measures to ensure that the sector ACLs will not be exceeded, for the next fishing year, or up to 3 fishing years. The MAFMC's recommendations must include supporting documentation, as appropriate, concerning the environmental and economic impacts of the recommendations. The Regional Administrator shall review these recommendations, and after such review, NMFS will publish a proposed rule in the **Federal Register** specifying the annual blueline tilefish ACL, ACT, TAL and any management measures for the blueline tilefish commercial and recreational sectors to ensure that the sector ACLs will not be exceeded for the upcoming fishing year or years. After considering public comments, NMFS will publish a final rule in the **Federal Register** to implement the blueline tilefish commercial and recreational ACLs, ACTs, TALs and any management measures. The previous year's specifications will remain effective unless revised through the specification process and/or the

research quota process described in paragraph (b)(3) of this section. NMFS will issue notification in the **Federal Register** if the previous year's specifications will not be changed.

(3) *Research quota.* See § 648.22(g).

* * * * *

■ 12. Section 648.293 is revised to read as follows:

§ 648.293 Tilefish accountability measures.

(a) *Golden tilefish.* (1) *Commercial incidental fishery closure.* See § 648.295(a)(2).

(2) *Commercial ACL overage evaluation.* If the golden tilefish ACL is exceeded, the amount of the ACL overage that cannot be directly attributed to IFQ allocation holders having exceeded their IFQ allocation will be deducted from the golden tilefish ACL in the following fishing year. All overages directly attributable to IFQ allocation holders will be deducted from the appropriate IFQ allocation(s) in the subsequent fishing year, as required by § 648.294(f).

(b) *Blueline tilefish.* (1) *Commercial fishery closure.* See § 648.295(b)(2).

(2) *Commercial ACL overage evaluation.* The commercial sector ACL will be evaluated based on a single-year examination of total catch (landings and discards).

(i) *Commercial landings overage repayment.* Landings in excess of the commercial ACL will be deducted from the commercial ACL for the following year.

(ii) *Non-landing accountability measure.* In the event that the commercial ACL has been exceeded and the overage has not been accommodated through the landings-based AM, then the exact amount by which the commercial ACL was exceeded, in pounds, will be deducted, as soon as possible, from the applicable subsequent single fishing year commercial ACL.

(3) *Recreational ACL overage evaluation.* The recreational sector ACL will be evaluated based on a 3-year moving average comparison of total catch (landings and discards). Both landings and dead discards will be evaluated in determining if the 3-year average recreational sector ACL has been exceeded. The 3-year moving average will be phased in over the first 3 years, beginning with 2017: Total recreational total catch from 2017 will be compared to the 2017 recreational sector ACL; the average total catch from both 2017 and 2018 will be compared to the average of the 2017 and 2018 recreational sector ACLs; the average total catch from 2017, 2018, and 2019 will be compared to the average of the 2017, 2018, and 2019 recreational sector ACLs and, for all subsequent years, the preceding 3-year average recreational total catch will be compared to the preceding 3-year average recreational sector ACL.

(4) *Recreational accountability measures (AM).* If the recreational ACL is exceeded, then the following procedure will be followed:

(i) *If biomass is below threshold, the stock is under rebuilding, or biological reference points are unknown.* If the most recent estimate of biomass is below the B_{MSY} threshold (*i.e.,* B/B_{MSY} is less than 0.5), the stock is under a rebuilding plan, or the biological reference points (B or B_{MSY}) are unknown, and the recreational ACL has been exceeded, then the exact amount, in pounds, by which the most recent year's recreational catch estimate exceeded the most recent year's recreational ACL will be deducted in the following fishing year, or as soon as possible thereafter, once catch data are available, from the recreational ACT, as a single-year adjustment. Changes to management measures would also be considered through the specifications process to avoid future overages.

(ii) *If biomass is above the threshold, but below the target, and the stock is not under rebuilding.* If the most recent estimate of biomass is above the biomass threshold (B/B_{MSY} is greater than 0.5), but below the biomass target (B/B_{MSY} is less than 1.0), and the stock is not under a rebuilding plan, then the following AMs will apply:

(A) *If the recreational ACL has been exceeded.* If the Recreational ACL has been exceeded, then adjustments to the recreational management measures, taking into account the performance of the measures and conditions that precipitated the overage, will be made in the following fishing year, or as soon as possible thereafter, once catch data are available, as a single-year adjustment.

(B) *If the ABC has been exceeded.* If the ABC has been exceeded, then a single-year adjustment to the recreational ACT will be made in the following fishing year, or as soon as possible thereafter, once catch data are available, as described below. In addition, adjustments to the recreational management measures, taking into account the performance of the measures and conditions that precipitated the overage, will be made in the following year.

(*1*) *Adjustment to recreational ACT.* If an adjustment to the following year's recreational ACT is required, then the ACT will be reduced by the exact amount, in pounds, of the product of the overage, defined as the difference between the recreational catch and the recreational ACL, and the payback coefficient.

(*2*) *Payback coefficient.* The payback coefficient is the difference between the most recent estimate of biomass and B_{MSY} (*i.e.,* $B_{MSY} - B$) divided by one-half of B_{MSY}.

(iii) *If biomass is above target.* If the most recent estimate of biomass is above B_{MSY} (*i.e.,* B/B_{MSY} is greater than 1.0), then adjustments to the recreational management measures, taking into account the performance of the measures and conditions that precipitated the overage, will be made in the following fishing year, or as soon as possible thereafter, once catch data are available, as a single-year adjustment.

* * * * *

■ 13. Section 648.294 is amended to read as follows by:

■ a. Revising the section heading;

■ b. Revising paragraphs (a)(1) and (a)(2);

■ c. Revising paragraph (b)(1) introductory text and paragraph (b)(4);

■ d. Revising paragraphs (e)(3)(ii), (e)(3)(iii), and (e)(4);

■ e. Revising paragraph (f);

■ f. Revising paragraph (g); and

■ g. Revising paragraphs (h)(1), (h)(2)(ii), and (h)(4)(i).

§ 648.294 Golden tilefish individual fishing quota (IFQ) program.

(a) *IFQ allocation permits.* (1) After adjustments for incidental catch, research set-asides, and overages, as appropriate, pursuant to § 648.292(a)(3), the Regional Administrator shall divide the remaining golden tilefish TAL among the IFQ quota shareholders who held IFQ quota share as of September 1 of a given fishing year. Allocations shall be made by applying the IFQ quota share percentages that exist on September 1 of a given fishing year to the IFQ TAL pursuant to § 648.292(a)(3), subject to any deductions for overages pursuant to paragraph (f) of this section. Amounts of IFQ allocation of 0.5 lb (0.23 kg) or smaller created by this calculation shall be rounded downward to the nearest whole number, and amounts of IFQ allocation greater than 0.5 lb (0.23 kg) shall be rounded upward to the nearest whole number, so that annual IFQ allocations are specified in whole pounds.

(2) Allocations shall be issued in the form of an annual IFQ allocation permit. The IFQ allocation permit shall specify the quota share percentage held by the IFQ allocation permit holder and the total pounds of golden tilefish that the

IFQ allocation permit holder is authorized to harvest.

* * * * *

(b) *Application*—(1) *General.* Applicants for a permit under this section must submit a completed application on an appropriate form obtained from NMFS. The application must be filled out completely and signed by the applicant. Each application must include a declaration of all interests in IFQ quota shares and IFQ allocations, as defined in § 648.2, listed by IFQ allocation permit number, and must list all Federal vessel permit numbers for all vessels that an applicant owns or leases that would be authorized to possess golden tilefish pursuant to the IFQ allocation permit. The Regional Administrator will notify the applicant of any deficiency in the application.

* * * * *

(4) *IFQ Vessel.* All Federal vessel permit numbers that are listed on the IFQ allocation permit are authorized to possess golden tilefish pursuant to the IFQ allocation permit until the end of the fishing year or until NMFS receives written notification from the IFQ allocation permit holder that the vessel is no longer authorized to possess golden tilefish pursuant to the subject permit. An IFQ allocation permit holder who wishes to authorize an additional vessel(s) to possess golden tilefish pursuant to the IFQ allocation permit must send written notification to NMFS. This notification must include the vessel name and permit number, and the dates on which the IFQ allocation permit holder desires the vessel to be authorized to land golden tilefish pursuant to the IFQ allocation permit. A copy of the IFQ allocation permit must be carried on board each vessel so authorized to possess IFQ golden tilefish.

* * * * *

(e) * * *

(3) * * *

(ii) A transfer of IFQ allocation or quota share will not be approved by the Regional Administrator if it would result in an entity holding, or having an interest in, a percentage of IFQ allocation exceeding 49 percent of the total golden tilefish adjusted TAL.

(iii) For the purpose of calculating the appropriate IFQ cost recovery fee, if the holder of an IFQ allocation leases additional IFQ allocation, the quantity and value of golden tilefish landings made after the date the lease is approved by the Regional Administrator are attributed to the transferred quota before being attributed to the allocation holder's base IFQ allocation, if any exists. In the event of multiple leases, landings would be attributed to the leased allocations in the order the leases were approved by the Regional Administrator. As described in paragraph (h) of this section, a tilefish IFQ quota share allocation holder shall incur a cost recovery fee, based on the value of landings of golden tilefish authorized under the allocation holder's annual tilefish IFQ allocation, including allocation that is leased to another IFQ allocation permit holder.

(4) *Application for an IFQ allocation transfer.* Any IFQ allocation permit holder applying for either permanent transfer of IFQ quota share or temporary transfer of annual IFQ allocation must submit a completed IFQ Allocation Transfer Form, available from NMFS. The IFQ Allocation Transfer Form must be submitted to the NMFS Greater Atlantic Regional Fisheries Office at least 30 days before the date on which the applicant desires to have the IFQ allocation transfer effective. The Regional Administrator shall notify the applicants of any deficiency in the application pursuant to this section. Applications for permanent IFQ quota share allocation transfers must be received by September 1 to be processed and effective before annual IFQ allocations are issued for the next fishing year. Applications for temporary IFQ allocation transfers must be received by October 10 to be processed for the current fishing year.

* * * * *

(f) *IFQ allocation overages.* If an IFQ allocation is exceeded, including by amounts of golden tilefish landed by a lessee in excess of a temporary transfer of IFQ allocation, the amount of the overage will be deducted from the IFQ shareholder's allocation in the subsequent fishing year(s). If an IFQ allocation overage is not deducted from the appropriate allocation before the IFQ allocation permit is issued for the subsequent fishing year, a revised IFQ allocation permit reflecting the deduction of the overage shall be issued by NMFS. If the allocation cannot be reduced in the subsequent fishing year because the full allocation has already been landed or transferred, the IFQ allocation permit will indicate a reduced allocation for the amount of the overage in the next fishing year.

(g) *IFQ allocation acquisition restriction.* No person or entity may acquire more than 49 percent of the annual adjusted golden tilefish TAL, specified pursuant to § 648.294, at any point during a fishing year. For purposes of this paragraph, acquisition includes any permanent transfer of IFQ quota share or temporary transfer of annual IFQ allocation. The calculation of IFQ allocation for purposes of the restriction on acquisition includes IFQ allocation interests held by: A company in which the IFQ holder is a shareholder, officer, or partner; an immediate family member; or a company in which the IFQ holder is a part owner or partner.

(h) * * *

(1) *Payment responsibility.* Each tilefish IFQ allocation permit holder with quota share shall incur a cost recovery fee annually, based on the value of landings of golden tilefish authorized under his/her tilefish IFQ allocation, including allocation that he/she leases to another IFQ allocation permit holder. The tilefish IFQ allocation permit holder is responsible for paying the fee assessed by NMFS.

(2) * * *

(ii) *Calculating fee percentage.* The recoverable costs determined by the Regional Administrator will be divided by the total ex-vessel value of all golden tilefish IFQ landings during the cost recovery billing period to derive a fee percentage. Each IFQ allocation permit holder with quota share will be assessed a fee based on the fee percentage multiplied by the total ex-vessel value of all landings under his/her IFQ allocation permit, including landings of allocation that was leased to another IFQ allocation permit holder.

(A) The ex-vessel value for each pound of golden tilefish landed by an IFQ allocation permit holder shall be determined from Northeast Federal dealer reports submitted to NMFS, which include the price per pound paid to the vessel at the time of dealer purchase.

(B) The cost recovery fee percentage shall not exceed 3 percent of the total value of golden tilefish landings, as required under section 304(d)(2)(B) of the Magnuson-Stevens Act.

* * * * *

(4) * * *

(i) At any time thereafter, notify the IFQ allocation permit holder in writing that his/her IFQ allocation permit is suspended, thereby prohibiting landings of tilefish above the incidental limit, as specified at § 648.295(a).

* * * * *

■ 14. Section 648.295 is revised to read as follows:

§ 648.295 Tilefish commercial trip limits.

(a) *Golden tilefish.* (1) *Incidental trip limit for vessels not fishing under an IFQ allocation.* Any vessel of the United States fishing under a tilefish permit, as described at § 648.4(a)(12), is prohibited from possessing more than 500 lb (226.8

kg) of golden tilefish at any time, unless the vessel is fishing under a tilefish IFQ allocation permit, as specified at § 648.294(a). Any golden tilefish landed by a vessel fishing under an IFQ allocation permit, on a given fishing trip, count as landings under the IFQ allocation permit.

(2) *In-season closure of the incidental fishery.* The Regional Administrator will monitor the harvest of the golden tilefish incidental TAL based on dealer reports and other available information, and shall determine the date when the incidental golden tilefish TAL has been landed. The Regional Administrator shall publish a notice in the **Federal Register** notifying vessel and dealer permit holders that, effective upon a specific date, the incidental golden tilefish fishery is closed for the remainder of the fishing year.

(b) *Blueline tilefish.* (1) *Commercial possession limit.* Any vessel of the United States fishing under a tilefish permit, as described at § 648.4(a)(12), is prohibited from possessing more than 300 lb (136 kg) of blueline tilefish per trip in or from the Tilefish Management Unit. Commercial blueline tilefish must be landed with head and fins naturally attached, but may be gutted.

(2) *In-season closure of the commercial fishery.* The Regional Administrator will monitor the harvest of the blueline tilefish commercial TAL based on dealer reports and other available information, and shall determine the date when the blueline tilefish commercial TAL will be landed. The Regional Administrator shall publish a notice in the **Federal Register** notifying vessel and dealer permit holders that, effective upon a specific date, the blueline tilefish commercial fishery is closed for the remainder of the fishing year.

* * * * *

■ 15. Section 648.296 is revised to read as follows:

§ 648.296 Tilefish recreational possession limits.

(a) *Golden Tilefish.* Any person fishing from a vessel that is not fishing under a tilefish commercial vessel permit issued pursuant to § 648.4(a)(12), may land up to eight golden tilefish per trip. Anglers fishing onboard a charter/party vessel shall observe the recreational possession limit.

(b) *Blueline Tilefish.* (1) *Private recreational vessels.* Any person fishing from a vessel that is not fishing under a tilefish commercial or Charter/Party vessel permit issued pursuant to § 648.4(a)(12), may land up to three blueline tilefish per trip.

(2) *Uninspected for-hire vessels.* Anglers fishing onboard a for-hire vessel under a tilefish Charter/Party vessel permit issued pursuant to § 648.4(a)(12), which has not been issued a valid U.S. Coast Guard Certificate of Inspection may land up to five blueline tilefish per person per trip.

(3) *Inspected for-hire vessels.* Anglers fishing onboard a for-hire vessel under a tilefish Charter/Party vessel permit issued pursuant to § 648.4(a)(12), which has been issued a valid U.S. Coast Guard Certificate of Inspection may land up to seven blueline tilefish per person per trip.

(c) *Enforcement.* Tilefish harvested by vessels subject to the possession limits with more than one person on board may be pooled in one or more containers. Compliance with the golden tilefish possession limit will be determined by dividing the number of golden tilefish on board by the number of persons on board. Compliance with the blueline tilefish possession limit will be determined by dividing the number of blueline tilefish on board by the number of persons on board. The captain and crew of a party or charter boat are not counted in determining the possession limit. If there is a violation of the possession limit on board a vessel carrying more than one person, the violation shall be deemed to have been committed by the owner and operator of the vessel.

* * * * *

■ 16. In § 648.299, revise paragraphs (a)(1)(xix), (a)(1)(xx), and (a)(1)(xxi), and add paragraphs (a)(1)(xxii) and (a)(1)(xxiii) to read as follows:

§ 648.299 Tilefish framework specifications.

(a) * * *

(1) * * *

(xix) Recreational management measures, including the bag limit, minimum fish size limit, seasons, and gear restrictions or prohibitions;

(xx) Golden tilefish IFQ program review components, including capacity reduction, safety at sea issues, transferability rules, ownership concentration caps, permit and reporting requirements, and fee and cost-recovery issues;

(xxi) Blueline tilefish recreational permitting and reporting requirements previously considered by the MAFMC; and

(xxiii) Blueline tilefish allocations to the commercial and recreational sectors of the fishery within the range of allocation alternatives considered by the MAFMC in Amendment 6.

(xxii) Measures that require significant departures from previously contemplated measures or that are otherwise introducing new concepts may require a formal amendment of the FMP instead of a framework adjustment.

* * * * *

[FR Doc. 2017–13390 Filed 6–27–17; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 82, No. 123
Wednesday, June 28, 2017

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 22, 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 28, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Request for Credit Account Approval for Reimbursable Services.

OMB Control Number: 0579–0055.

Summary of Collection: The Debt Collection Improvement Act of 1996 (Pub. L. 104–134 Section 31001(x)) of 31 U.S.C. 3332, as amended, requires that agencies collect tax identification numbers from all person doing business with the Government for purposes of collecting delinquent debts. The services of an inspector to clear imported and exported commodities requiring release by Agency personnel are covered by user fees during regular working hours. If an importer/exporter wishes to have a shipment of cargo or animals cleared at other hours, such services will usually be provided on a reimbursable overtime basis, unless already covered by a user fee. The Animal and Plant Health Inspection Service (APHIS) will collect information using an Application for Credit Account and Request for Service form.

Need and Use of the Information: APHIS will collect information to conduct a credit check on prospective applicants to ensure credit worthiness prior to extending credit services. Not checking credit worthiness before extending credit could greatly increase the number of debits the Agency would incur. Since this is a full-cost recovery program, nonpaying customers would reduce funds to run the program.

Description of Respondents: Business or other for-profit.

Number of Respondents: 261.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 65.

Animal and Plant Health Inspection Service

Title: Importation of Fruit from Thailand.

OMB Control Number: 0579–0308.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701 *et seq),* the Secretary of Agriculture is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests new to the United States or not known to be widely distributed throughout the United States. The Animal and Plant Health Inspection Service (APHIS) fruit and vegetables regulations allow the importation into the United State of litchi, longan, mango, mangosteen, pineapple, and rambutan from Thailand. The fruit would have to be accompanied by a phytosanitary certificate with an additional declaration stating that the fruit had been tested with irradiation in Thailand and in the case of litchi, that the fruit had been inspected and found to be free of *Peronophythora litchi,* a fungal pest of litchi.

Need and Use of the Information: APHIS will use the following information collection activities to allow the importation of fruit from Thailand into the continental United States: (1) Phytosanitary Certificate; (2) Labeling; (3) Import Permit (PPQ 587); (4) Production Site Registrations & Monitoring; (5) Compliance Agreements (PPQ 519); (6) Approved Irradiation Facilities; (7) Recordkeeping; (8) Trust Fund Agreements; (9) Facility Operational Workplan; and (10) Foreign Site Certificate of Inspection and/or Treatment (PPQ 203). This information is used as a guide to the intensity of the inspection APHIS conduct when the shipment arrives. Without this information, all shipments would need to be inspected very thoroughly, thereby requiring considerably more time. This would slow the clearance of international shipments.

Description of Respondents: Federal Government (Foreign).

Number of Respondents: 12.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 1,528.

Animal and Plant Health Inspection Service

Title: Phytophthora Ramorum; Quarantine and Regulations.

OMB Control Number: 0579–0310.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture, either independently or in cooperation with the States, is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pest new to the United States or not widely distributed throughout the United States. Under ''Subpart-Phytophthora

Ramorum'' (7 CFR 301.92 through 301.92–12, referred to as the regulation), USDA's Animal and Plant Health Inspection Service (APHIS) restricts the interstate movement of certain regulated and restricted articles from quarantined areas in California and Oregon and regulated areas from California, Oregon, and Washington to prevent the artificial spread of Phytophthora ramorum, the pathogen that causes the plant disease commonly known as sudden oak death, ramorum left blight, and ramorum dieback.

Need and Use of the Information: APHIS will collect information through a compliance agreement to establish restrictions on the interstate movement of nursery stock from nurseries in non-quarantined counties in California, Oregon, and Washington. If California, Oregon, and Washington State did not comply with provisions by signing a compliance agreement, *P. ramorum* would have the potential to spread to eastern forests adversely impacting the ecosystem balances, foreign/domestic nursery stocks, and lumber markets.

Description of Respondents: Business or other for-profit and States.

Number of Respondents: 29.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 199.

Animal and Plant Health Inspection Service

Title: Importation of Pomegranates from Chile under a System Approach.

OMB Control Number: 0579–0375.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701–7772), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants and plant pests to prevent the introduction of plant pests into the United States or their dissemination within the United States. The regulations in ''Subpart-Fruit and Vegetables'' (7 CFR 319.56–58), prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination within the United States. The importation of pomegranates from Chile, into the continental United States, is under a system approach in which the fruit must be grown in a place of production that is registered with the Government of Chile and certified as having a low prevalence of Brevipalpus chilensis. The fruit undergoes pre-harvest sampling at the registered production site. After the post-harvest process, the fruit is inspected in Chile at an approved inspection site.

Need and Use of the Information: The Animal and Plant Health Inspection Service will use the following activities to collect information: Phytosanitary Certificate with/Additional Declaration, Production Site Registration, Marking of Cartons with Registration Number, and List of Certified Production Sites. Falling to collect this information would cripple APHIS' ability to ensure pomegranates from Chile are not carrying plant pests.

Description of Respondents: State, Local or Tribal Government; Federal Government.

Number of Respondents: 5.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 480.

Animal and Plant Health Inspection Service

Title: Bovine Spongiform Encephalopathy (BSE); Importation of Animals and Animal Products.

OMB Control Number: 0579–0393.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The Secretary may also prohibit or restrict import or export of any animal or related material if necessary to prevent the spread of any livestock or poultry pest or disease. The AHPA is contained in Title X, Subtitle E, Sections 10401–18 of Public Law 107–171, May 13, 2002, the Farm Security and Rural Investment Act of 2002. The Animal and Plant Health Inspection Service (APHIS) regulates the importation of animals and animal products into the United States to guard against the introduction of animal diseases. The regulations in 9 CFR parts 92 through 98, govern the importation of certain animals, birds, poultry, meat, other animal products and byproducts, hay, and straw. It also contains measures for preventing the introduction of various diseases into the United States.

Need and Use of the Information: To ensure BSE is not introduced into the United States, the regulations place specific conditions on the importation of animals and animal products. These requirements necessitate the use of several information collection activities, including, but not limited to, certification, official identification, request for and retention of classification as negligible or controlled risk, declaration of importation, import and export certificates, applications, import and movement permits, agreements, certification statements, seals, notifications, and recordkeeping. Failure to collect this information would make it impossible for APHIS to effectively prevent BSE-contaminated animals and animal products from entering the United States, and to track movement of any imported BSE-contaminated animals or products within the United States post-arrival.

Description of respondents: Business or other for-profit; Federal Government.

Number of Respondents: 2,225.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 275,821.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–13464 Filed 6–27–17; 8:45 am]

BILLING CODE 3410–34–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meetings

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meetings.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) plans to hold its regular committee and Board meetings in Washington, DC, Monday through Wednesday, July 10–12, 2017 at the times and location listed below.

DATES: The schedule of events is as follows:

Monday, July 10, 2017

10:30 a.m.–11:00 a.m.—Budget Committee
11:00 a.m.–Noon—Ad Hoc Committee on Frontier Issues
1:30 p.m.–2:00 p.m.—Ad Hoc Committee on Design Guidance
2:00 p.m.–4:00 p.m.—Planning and Evaluation

Tuesday, July 11, 2017

9:30 a.m.–10:30 a.m.—Technical Programs Committee

Wednesday, July 12, 2017

9:30 a.m.–Noon—Stakeholders' Meeting
1:30 p.m.–3:00 p.m.—Board Meeting

ADDRESSES: Meetings will be held at the Access Board Conference Room, 1331 F Street NW., Suite 800, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meetings, please contact David Capozzi,

Executive Director, (202) 272–0010 (voice); (202) 272–0054 (TTY).

SUPPLEMENTARY INFORMATION: At the Board meeting scheduled on the afternoon of Wednesday, July 12, 2017, the Access Board will consider the following agenda items:

- Approval of the draft March 15, 2017 meeting minutes (vote)
- Ad Hoc Committee Reports: Design Guidance and Frontier Issues
- Budget Committee
- Planning and Evaluation Committee
- Technical Programs Committee
- Election Assistance Commission Report
- Executive Director's Report
- Public Comment (final 15 minutes of the meeting)

Members of the public can provide comments either in-person or over the telephone during the final 15 minutes of the Board meeting on Wednesday, July 12, 2017. Any individual interested in providing comment is asked to pre-register by sending an email to *bunales@access-board.gov* with the subject line ''Access Board meeting—Public Comment'' with your name, organization, state, and topic of comment included in the body of your email. All emails to register for public comment must be received by Wednesday, July 5, 2017. Registered commenters will be provided with a call-in number and passcode before the meeting. Commenters will be called on in the order by which they pre-registered. Due to time constraints, each commenter is limited to two minutes. Commenters on the telephone will be in a listen-only capacity until they are called on.

All meetings are accessible to persons with disabilities. An assistive listening system, Communication Access Realtime Translation (CART), and sign language interpreters will be available at the Board meeting and committee meetings.

Persons attending Board meetings are requested to refrain from using perfume, cologne, and other fragrances for the comfort of other participants (see *www.access-board.gov/the-board/policies/fragrance-free-environment* for more information).

You may view the Wednesday, July 12, 2017 meeting through a live webcast from 1:30 p.m. to 3:00 p.m. at: *www.access-board.gov/webcast.*

David M. Capozzi,

Executive Director.

[FR Doc. 2017–13480 Filed 6–27–17; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 170412386–7386–01]

2020 Census Redistricting Data Program Commencement of Phase 2: The Voting District Project

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of program.

SUMMARY: This notice announces the commencement of Phase 2 of the 2020 Census Redistricting Data Program: The Voting District Project. This second phase specifically provides States the opportunity to provide the Census Bureau with their voting district boundaries (election precincts, wards, etc.). In addition, States have the opportunity to suggest to the Census Bureau legal boundary updates. State participation in Phase 2 of the Redistricting Data Program is voluntary.

DATES: Comments on this notice must be received by July 28, 2017. The deadline for States to notify the Census Bureau that they wish to participate in Phase 2: The Voting District Project is December 15, 2017.

ADDRESSES: Please address all written comments to James Whitehorne, Chief of the Census Redistricting and Voting Rights Data Office, U.S. Census Bureau, 4600 Silver Hill Road, Room 4H057, Washington, DC 20233.

FOR FURTHER INFORMATION CONTACT: James Whitehorne, Chief of the Census Redistricting and Voting Rights Data Office, U.S. Census Bureau, Room 4H057, Washington, DC 20233, telephone (301) 763–4039.

SUPPLEMENTARY INFORMATION: Under the provisions of Public Law 94–171, as amended (Title 13, United States Code (U.S.C.), Section 141(c)), the Director of the Census Bureau is required to provide the ''officers or public bodies with initial responsibility for legislative apportionment or districting of each state . . .'' with the opportunity to specify small geographic areas (*e.g.,* voting districts, wards, and election precincts) for which they wish to receive decennial census population totals for the purpose of reapportionment and redistricting.

By April 1 of the year following the census, the Secretary is required to furnish those State officials or their designees with population counts for counties, cities, census blocks, and State-specified congressional districts, legislative districts, and voting districts.

In accordance with the provisions of Title 13, U.S.C. Section 141(c), and on behalf of the Secretary of Commerce, the Director announces the commencement of Phase 2 of the 2020 Census Redistricting Data Program. The purpose of this notice is to provide further information on the commencement of the 2020 Census Redistricting Data Program, Phase 2—The Voting District Project. Future **Federal Register** notices will address the other phases of the 2020 Program.

The 2020 Census Redistricting Data Program was initially announced on July 15, 2014, in the **Federal Register** (79 FR 41258). This notice described the program that the Census Bureau proposed to adopt for the 2020 Census. As seen in the 1990, 2000, and 2010 censuses, the 2020 Census Redistricting Data Program is partitioned into several phases. Phase 1: The Block Boundary Suggestion Project was announced in a **Federal Register** notice on June 26, 2015 (80 FR 36765). This notice described the procedures for the States to provide the Census Bureau with their suggestions for the 2020 Census tabulation block inventory.

Beginning in late summer of 2017, and by separate letter, the Census Bureau will invite each state to participate in Phase 2, the Voting District Project, through their previously designated liaison. This phase will include an opportunity to submit voting districts and then verify the submitted voting districts prior to release of the 2020 redistricting data tabulations in Phase 3. For each State responding by December 15, 2017, that wishes to participate in Phase 2, the Census Bureau will provide data from the Master Address File/Topologically Integrated Geographic Encoding and Referencing system (MAF/TIGER), an optional software tool (Geographic Update Partnership Software (GUPS)), and the procedures necessary for each State to begin work on Phase 2. States are not required to use the GUPS; however, they are required to provide their Phase 2 submission to the Census Bureau electronically in Census Bureau specified formats. During the submission period, the Census Bureau will provide training in the use of the GUPS and assist the states in understanding the procedures necessary for processing files for their submission.

The Census Bureau will continue to communicate with each State to ensure they are well informed on the benefits of working with the Census Bureau towards a successful 2020 Census. In addition, the Redistricting Data Office will continue to work with each State to ensure they are prepared to participate in all phases of the Redistricting Data Program. Every State, regardless of their

participation in Phase 1 or Phase 2, will receive the official redistricting data sets, as required by Public Law 94–171, in Phase 3 of the Redistricting Data Program.

Dated: June 21, 2017.

John H. Thompson,

Director, Bureau of the Census.

[FR Doc. 2017–13506 Filed 6–27–17; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE009

Marine Mammals; File No. 19425

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of application for permit amendment.

SUMMARY: Notice is hereby given that Melissa McKinney, Ph.D., University of Connecticut, Center for Environmental Sciences and Engineering, 3107 Horsebarn Hill Road, U–4210, Storrs, CT 06269, has applied for an amendment to Scientific Research Permit No. 19425.

DATES: Written, telefaxed, or email comments must be received on or before July 28, 2017.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 19425 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301)713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Carrie Hubard or Jennifer Skidmore, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 19425 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Permit No. 19425, issued on July 31, 2015 (80 FR 52453), authorizes the permit holder to analyze marine mammal samples to study contaminant levels, specifically using fatty acid and table isotopes to examine diets and contaminant loads and how they are affected by climate change. Cetacean and pinniped tissue samples come from remote biopsy sampling, captured animals, and animals collected during subsistence harvests and originate in the United States, Canada, and Greenland/Denmark. No live animals are harassed or taken, lethally or otherwise, under the permit. The permit holder is requesting the permit be amended to increase the number of samples from 50 per year to 300 per year, for both pinniped and cetacean species. The additional samples would increase the robustness of the analyses. The permit is valid through August 1, 2020.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: June 23, 2017.

Catherine Marzin,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–13529 Filed 6–27–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DOD–2017–OS–0030]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense (Personnel and Readiness), DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense (Personnel and Readiness) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 28, 2017.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate for Oversight and Compliance, Regulatory and Advisory Committee Division, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting

comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Manpower Data Center (DMDC), ATTN: Ms. Kristin Williams, 4800 Mark Center Drive, Suite 04E25, Alexandria, VA 22350, or call (571) 372–1033.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: The 2014 Post-Election Voting Survey of Local Election Officials, OMB 0704–0125.

Needs and Uses: The information collection requirement is necessary to fulfill the mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA of 1986 [42 U.S.C. 1973ff]). UOCAVA requires a statistical analysis report to the President and Congress on the effectiveness of assistance under the Act, a statistical analysis of voter participation, and a description of State/Federal cooperation.

Affected Public: State, Local or Tribal Government.

Annual Burden Hours: 300.

Number of Respondents: 900.

Responses per Respondent: 1.

Annual Responses: 900.

Average Burden per Response: 20 minutes.

Frequency: On occasion.

UOCAVA requires the States to allow Uniformed Services personnel, their family members, and overseas citizens to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal offices. The Act covers members of the Uniformed Services and the merchant marine to include the commissioned corps of the National Oceanic and Atmospheric Administration and Public Health Service and their eligible dependents, Federal civilian employees overseas, and overseas U.S. citizens not affiliated with the Federal Government. Local Election Officials (LEO) process voter registration and absentee ballot applications, send absentee ballots to voters, and receive and process the voted ballots in counties, cities, parishes, townships and other jurisdictions within the U.S. LEOs, independently and in relation to their respective State election officials, are often one of the most important pieces in the absentee voting process for UOCAVA citizens. The Federal Voting Assistance Program (FVAP) conducts the post-election survey of Local Election Officials to evaluate the effectiveness of the overall absentee voting program. The information collected will be qualitative and will be used for overall program evaluation, management and improvement, and to compile the congressionally-mandated report to the President and Congress.

Dated: June 23, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–13512 Filed 6–27–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Innovation Board; Notice of Federal Advisory Committee meeting

AGENCY: Deputy Chief Management Officer, Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Innovation Board will take place.

DATES: Open to the public, Wednesday, July 12, 2017 from 1:00 p.m. to 3:30 p.m.

ADDRESSES: The open meeting will be held in the Defense Innovation Unit Experimental Auditorium at Moffett Field, 230 R T Jones Road, Mountain View, CA 94043. Additionally, the open meeting will be live streamed for those who are unable to physically attend the meeting.

FOR FURTHER INFORMATION CONTACT: Roma Laster, (703) 695–7563 (Voice), (703) 614–4365 (Facsimile), *roma.k.laster.civ@mail.mil* (Email). Mailing address is Defense Innovation Board, 9000 Defense Pentagon, Room 5E572, Washington, DC 20350.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) 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 102–3.140 and 102–3.150.

Purpose of the Meeting: The mission of the Defense Innovation Board (DIB) is to examine and provide the Secretary of Defense and the Deputy Secretary of Defense independent advice and recommendations on innovative means to address future challenges in terms of integrated change to organizational structure and processes, business and functional concepts, and technology applications. The DIB focuses on (a) technology and capabilities, (b) practices and operations, and (c) people and culture.

Agenda: Discussion of the Board's revised Interim Recommendation to Establish a Global and Secure Repository for Data Collection, Sharing, and Analysis; updates from the Science & Technology (S&T) and Workforce Behavior & Culture (WBC) subcommittees on their current research; introduction of new topics for potential future recommendations; presentation on the Department's latest implementation efforts of DIB recommendations; and commentary from the public audience.

Meeting Accessibility: Pursuant to Federal statutes and regulations (FACA, the Government in the Sunshine Act, 5 U.S.C. 552b, and 41 CFR 102–3.140 through 102–3.165) and the availability of space, the meeting is open to the public from 1:00 p.m. to 3:30 p.m. Seating is on a first-come basis. Members of the public wishing to attend the meeting or wanting to receive a link to the live stream webcast should contact the Executive Director to register no later than five business days prior to the meeting, by email at *osd.innovation@mail.mil.*

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact the Executive Director at least five business days prior to the meeting so that appropriate arrangements can be made.

Written Statements: Pursuant to section 10(a)(3) of the FACA and 41 CFR 102–3.140, the public or interested organizations may submit written comments to the DIB about its approved agenda pertaining to this meeting or at any time regarding the DIB's mission. Individuals submitting a written statement must submit their statement to the Executive Director at *osd.innovation@mail.mil.* Written comments that do not pertain to a scheduled meeting may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at the planned meeting, then such comments must be received in writing not later than July 7, 2017. The Executive Director will compile all written submissions received by the deadline and provide them to Board Members prior to the meeting. Comments received after this date may not be provided to or considered by the DIB until a later date.

Oral Section: Individuals wishing to make an oral statement to the DIB at the public meeting may be permitted to speak for up to three minutes. Anyone wishing to speak to the DIB should submit a request by email at *osd.innovation@mail.mil* not later than July 7, 2017 for planning. Requests for oral comments should include a copy or summary of planned remarks for archival purposes. Individuals may also be permitted to submit a comment request at the public meeting; however, depending on the number of individuals requesting to speak, the schedule may limit participation. Webcast attendees will be provided instructions with the live stream link if they wish to submit comments during the open meeting.

Dated: June 23, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–13549 Filed 6–27–17; 8:45 am]

. BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2016–HA–0109]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by July 28, 2017.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: Certification of Non-Contributory TRICARE Supplemental Insurance Plan; OMB Control Number 0720–0044.

Type of Request: Reinstatement without change.

Number of Respondents: 1,500.

Responses per Respondent: 1.

Annual Responses: 1,500.

Average Burden per Response: 10 minutes.

Annual Burden Hours: 250 hours.

Needs and Uses: Section 707 of the John Warner National Defense Authorization Act for Fiscal Year 2007 added section 1097c to Title 10. Section 1097c prohibits employers from offering financial or other incentives to certain TRICARE-eligible employees to not enroll in an employer-offered group health plan. In other words, employers may no longer offer TRICARE supplemental insurance plans as part of an employee benefit package. Employers may, however, offer TRICARE supplemental insurance plans as part of an employee benefit package provided the plan is not paid for in whole or in part by the employer and is not endorsed by the employer. When such TRICARE supplemental plans are offered, the employer must properly document that they did not provide any payment for the benefit nor receive any direct or indirect consideration or compensation for offering the benefit; the employer's only involvement is providing the administrative support. That certification will be provided upon request to the Department of Defense.

Affected Public: Business or other for-profit; individuals or households.

Frequency: On occasion.

Respondent's Obligation: Require to obtain or retain benefits.

OMB Desk Officer: Ms. Stephanie Tatham.

Comments and recommendations on the proposed information collection should be emailed to Ms. Stephanie Tatham, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Frederick Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at WHS/ESD Directives Division, 4800 Mark Center Drive, East Tower, Suite 03F09, Alexandria, VA 22350–3100.

Dated: June 23, 2017.

Aaron Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2017–13494 Filed 6–27–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2015–OS–0129]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by July 28, 2017.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: Department of Defense Contract Security Classification Specification, DD Form 254; OMB Control Number 0704–XXXX.

Type of Request: New.

Number of Respondents: 3,211.

Responses per Respondent: 10.13.

Annual Responses: 32,527.

Average Burden per Response: 70 minutes.

Annual Burden Hours: 37,948.67 hours.

Needs and Uses: The information collection requirement, authorized by the DoD 5220.22–R, ''DoD Industrial Security Regulation,'' and the Federal Acquisition Regulation, is necessary to provide security classification guidance to a U.S. contractor and any subcontractors in connection with a contract requiring access to classified information (hereinafter referred to as a ''classified contract''). The DD Form 254, with its attachments, supplements, and incorporated references, is the principal authorized means for providing security classification guidance to a U.S. contractor in connection with a classified contract.

Affected Public: Business or other for-profit.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Ms. Jasmeet Seehra.

Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments and recommendations, identified by Docket

ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Frederick Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at WHS/ESD Directives Division, 4800 Mark Center Drive, East Tower, Suite 03F09, Alexandria, VA 22350–3100.

Dated: June 23, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–13503 Filed 6–27–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Science and Technology Reinvention Laboratory (STRL) Personnel Management Demonstration (Demo) Project Program

AGENCY: Assistant Secretary of Defense for Research and Engineering, DoD.

ACTION: This notice amends existing STRL Personnel Management Demonstration Project Programs.

SUMMARY: STRLs may implement a new direct hire authority to appoint and noncompetitively convert to the competitive service qualified candidates enrolled in a program of undergraduate or graduate instruction leading to an undergraduate or advanced degree in a scientific, technical, engineering or mathematical course of study. STRLs may appoint students to a temporary, term, modified term (for those STRLs with modified term appointment authority), or flexible length student term appointment that will expire 120 days after completion of the designated academic course of study. Students may also be appointed to temporary, term or flexible length student term appointments at the discretion of the STRL Director. Students hired under the Scientific, Technology, Engineering, and Mathematics (STEM) Student Employment Program (SSEP) may receive a relocation incentive/bonus each time the SSEP student returns to duty similar to the authority granted to the Air Force Research Laboratory (AFRL) in 75 FR 53076, August 30, 2010.

DATES: This notice may be implemented beginning on June 28, 2017.

FOR FURTHER INFORMATION CONTACT:

Department of the Army

• *ARL:* Ms. Dianne Hawkins, Program Manager, ARL Personnel Demonstration Project, RDRL–LOH, 2800 Powder Mill Road, Adelphi, MD 20783–1197;

• *AMRDEC:* Mr. Chad Marshall, Demonstration Project Manager, AMRDEC, 5400 Fowler Road, Redstone Arsenal, AL 35898–5000;

• *CERDEC:* Mr. Christopher Tahaney, CERDEC Personnel Demonstration Project Administrator, C4ISR Campus Building 6002, Room D3126D, ATTN: RDER–DOS–ER, Aberdeen Proving Ground, MD 21005;

• *ECBC:* Ms. Patricia Milwicz, Management and Program Analyst, ECBC, Directorate of Program Integration, Workforce Management Office, Department of the Army, ATTN: RDCB–DPC–W, 5183 Blackhawk Road, Building 3330, Aberdeen Proving Ground, MD 21010–5424;

• *ERDC:* Ms. Patricia Sullivan, Personnel Demonstration Project Manager, U.S. Army ERDC, 3909 Halls Ferry Road, Vicksburg, MS 39180–6199;

• *MRMC:* Ms. Linda Krout, Personnel Demonstration Project Manager, 505 Scott St, Fort Detrick, MD 21702–5000;

• *NSRDEC:* Ms. Joelle Montecalvo, Demonstration Project Manager, NSRDEC, Kansas Street, (AMSRD–NSR–BO–W), Natick, MA 01760;

• *TARDEC:* Ms. Jennifer Davis, TARDEC, ATTN: RDTA–CS/MS 204, Warren, MI 48397–5000;

• *ARDEC:* Mr. Mike Nicotra, U.S. Army ARDEC, Human Capital Management Office, Building 1, 3rd Floor, RDAR–EIH, Picatinny Arsenal, NJ 07806–5000.

Department of the Air Force

• *AFRL:* Ms. Rosalyn Jones-Byrd, Personnel Demonstration Project Manager, AFRL, 1864 4th Street, Wright-Patterson Air Force Base, OH 45433–5209.

Department of the Navy

• *ONR:* Ms. Margaret J. Mitchell, Director, Civilian Human Resources, ONR, 875 North Randolph Street, Code BD, Arlington, VA 22203;

• *NRL:* Ms. Ginger Kisamore, Human Resources Director/Demonstration Project Program Manager, NRL, 4555 Overlook Avenue SW., Washington, DC 20375–5320;

• *NAVSEA Warfare Centers:* Ms. Diane Brown, NAVSEA Warfare Centers Personnel Demonstration Project Manager, Naval Surface Warfare Center Philadelphia Division, 5001 South Broad Street, Philadelphia, PA 19112–5083;

• *NAVAIR, Weapons Division and Aircraft Division:* Mr. Richard Cracraft, Naval Air Warfare Center, Weapons Division (NAWCWD), Code 730000D, 1 Administration Circle, Building 00464, China Lake, CA 93555–6100;

• *Space and Naval Warfare Systems Command, Space and Naval Warfare Systems Center (SSC):*

○ *SSC Atlantic:* Ms. Veronica Truesdale, SSC Atlantic STRL Project Lead, SSC Atlantic, P.O. Box 190022, North Charleston, SC 29419–9022;

○ *SSC Pacific:* Ms. Angela Hanson, SSC Pacific STRL Project Lead, SSC Pacific, 53560 Hull Street, San Diego, CA 92152–5001.

DoD

Dr. Jagadeesh Pamulapati, Director, DoD Laboratories Office, 4800 Mark Center Drive, Alexandria, VA 22350, (571) 372–6372, *jagadeesh.pamulapati.civ@mail.mil.*

SUPPLEMENTARY INFORMATION:

1. Background

Section 342(b) of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 1995, Public Law (Pub. L.) 103–337, as amended by section 1109 of the NDAA for FY 2000, Public Law 106–65, and section 1114 of the NDAA for FY 2001, Public Law 106–398, authorizes the Secretary of Defense (SECDEF) to conduct personnel demonstration projects at DoD laboratories designated as STRLs. All STRLs authorized by section 1105 of the NDAA for FY 2010, Public Law 111–84, as well as any newly-designated STRLs authorized by SECDEF or future legislation may use the provisions described in this **Federal Register** Notice (FRN). STRLs implementing this flexibility must have an approved personnel management demonstration project plan published in a FRN and shall fulfill any collective bargaining obligations. Each STRL shall establish internal operating procedures as appropriate. The 15 current STRLs are:

- Army Research Institute (ARI)
- Army Research Laboratory (ARL)
- Aviation and Missile Research, Development, and Engineering Center (AMRDEC)

- Communications-Electronics Research, Development, and Engineering Center (CERDEC)
- Edgewood Chemical Biological Center (ECBC)
- Engineer Research and Development Center (ERDC)
- Medical Research and Materiel Command (MRMC)
- Natick Soldier Research, Development and Engineering Center (NSRDEC)
- Tank Automotive Research, Development and Engineering Center (TARDEC)
- Armament Research, Development and Engineering Center (ARDEC)
- Space and Missile Defense Command (SMDC)
- Air Force Research Laboratory (AFRL)
- Office of Naval Research (ONR)
- Naval Research Laboratory (NRL)
- Naval Sea Systems Command (NAVSEA) Warfare Centers
- Naval Air Systems Command (NAVAIR) Warfare Centers, Weapons Division and Aircraft Division
- Space and Naval Warfare Systems Command, Space and Naval Warfare Systems Center (SSC), Atlantic and Pacific

2. Overview

I. Introduction

A. Purpose

Section 1105 of the NDAA for FY 2015 establishes a new direct hire authority for students enrolled in a scientific, technical, engineering, or mathematics course of study at an accredited institution of higher education on a temporary or term basis. The purpose of this direct-hire authority is to provide a streamlined and accelerated hiring process that allows the STRLs to compete successfully with private industry for high-quality scientific, technical, engineering, or mathematics students for filling STRL scientific and engineering positions. This authority creates a unique student hiring authority for the STRL scientific and engineering positions: The STEM SSEP. Section 1104 of the NDAA for FY16 provides students appointed under the SSEP the opportunity for noncompetitive conversion to a permanent scientific or engineering position upon graduation from the applicable institution of higher education.

To effectively implement the SSEP, this FRN also:

1. Establishes SSEP student employment qualification standards, similar to the Pathways qualification standards, which will allow students appointed under this authority to be aligned to a pay band/grade commensurate with the highest level of education completed and/or prior experience.

2. Establishes a flexible length student term appointment, which will provide a mechanism for students appointed under the SSEP to remain on a term appointment until completion of their educational program. Absent this flexibility, SSEP appointees would be limited to a four-year appointment in accordance with 5 CFR 316.301.

B. Required Waivers to Law and Regulation

Section 1105 of the NDAA for FY 2015 permits the Department to waive subchapter I of chapter 33 of title 5, U.S Code (U.S.C.) (other than sections 3303 and 3328) when using the SSEP direct-hire authority. Section 1104 of the NDAA for FY 2016 permits the Department to waive provisions of subchapter I of chapter 33 of title 5, U.S.C. (other than sections 3303 and 3328) and provides for noncompetitive conversion of SSEP students. Appendix A lists the laws, rules, and regulations that require waivers to implement the authorities described in this FRN.

C. Expected Benefits

This direct-hire authority is expected to streamline the hiring and development of high-quality SSEP students pursuing bachelors or advanced degrees in STEM courses of study. This direct-hire and noncompetitive conversion authority enhances the STRLs' ability to compete with private industry by improving recruiting efforts; providing clear career tracks for STEM students from undergraduate through post-graduate school; and offering career progression opportunities for STEM students who join the STRL scientific and engineering workforce.

D. Participating Organizations and Employees

All DoD laboratories designated as STRLs under section 1105 of the NDAA for FY 2010 and section 1105 of the NDAA for FY 2015 (including any newly-designated STRLs authorized by SECDEF or by future legislation) with approved personnel management demonstration project plans published in FRNs may use the provisions described in this FRN.

II. Personnel System Changes

All current STRL demonstration project plans are hereby amended to add the following:

A. Authority

STRLs may use the direct-hire authority authorized by section 1105 of the NDAA for FY 2015 to appoint students pursuing bachelors or advanced degrees in STEM disciplines to temporary, term, flexible length student term, or, for those STRLs with modified term appointment authority, via modified term appointments. STRLs may use the authority authorized by section 1104 of the NDAA for FY 2016 to provide SSEP students noncompetitive conversion to permanent scientific or engineering positions upon graduation from the applicable institution of higher education provided the students meet all eligibility criteria and Office of Personnel Management (OPM) qualification requirements for the position.

B. Definitions

1. STEM positions are those positions described in the STRL FRN (Appendix B) or internal operating procedures in the Scientist and Engineer and/or Technical Career Paths. The positions not classified under the broad-banding structure will be identified in respective STRL internal operating procedures.

2. Institution of higher education is defined in sections 1001 and 1002 of the Higher Education Act of 1965 (20 U.S.C. 1001).

3. Qualified candidates are defined as students who:

(a) Are enrolled (or accepted for enrollment) in a program of undergraduate or graduate instruction leading to a bachelor's or advanced degree in a (STEM) course of study at an institution of higher education as that term is defined in section B.2., and includes those enrolled in a 2-year university parallel (or equivalent) program designed specifically for transfer to a 4-year institution.

(b) Meet the minimum qualification standards for the position as described in Appendix C of this FRN or the specific STRL demonstration project qualification standards for the position to be filled.

4. ''Employee'' is defined by 5 U.S.C. 2105.

C. Provisions

1. Use of this appointment authority must be consistent with merit system principles.

2. Student appointments authorized by section 1105 of the NDAA for 2015 may be term, modified term, flexible length student term or temporary. If students are appointed under existing term or modified term appointments

because flexible length student term appointments are not available at the time of appointment, they may convert to the new flexible length student term appointment provided they were notified in writing at the time of the initial appointment of the possibility they may be converted at a later date.

3. Qualified candidates may be appointed to scientific and engineering student positions without regard to the provisions of subchapter I of chapter 33, title 5, U.S.C. (other than sections 3303 and 3328).

4. Upon graduation from the applicable institution of higher education, successful candidates in section 2.II.C.3. may be noncompetitively converted to permanent scientific or engineering positions in the competitive service within the STRL without regard to the provisions of 5 U.S.C. chapter 33 (other than sections 3303 and 3328).

5. During each calendar year, each STRL may use this authority to appoint no more than (10) percent of the total number of scientific and engineering positions within the STRL that are filled at the close of the previous fiscal year.

6. Classification/Pay Bands/Career Tracks. This FRN authorizes the STRLs to establish separate pay band/career track level(s) or to modify existing pay band/career track level(s) and classification guidelines to accommodate students hired under this direct-hire authority. Specific details regarding student classification pay band/career track level(s) shall be included in the respective STRLs' internal operating procedures.

7. Temporary Appointments (Students). Temporary appointments are typically used for short-term use (*e.g.,* summer employment), however, temporary appointments may be made for up to one year and may be extended provided the criteria for the student appointment continue to be met. An appointment after a break-in-service of three or more days shall count against the direct-hire allocation in section 2.II.C.5. Students may not be promoted while serving on the temporary appointment, but may be converted to a new appointment at a higher grade/band level provided the student meets the qualification requirements for the higher grade/band position. This conversion to a new appointment does not count against the direct-hire allocation in section 2.II.C.5.

8. Flexible Length Student Term Appointments (Students). A flexible length student term appointment authority is created for SSEP students appointed for a period of at least one year. The flexible length student term appointment will have no end date, but will expire 120 days after completion of the designated academic course of study unless the human resources office has been notified via receipt of a Request for Personnel Action (SF–52) for noncompetitive conversion to a permanent position. The eligibility criteria for the student appointment must continue to be met for the duration of the appointment. SSEP participants who complete one educational program and continue to meet the definition of ''student'' in section 2.II.B.3(a) while further pursuing their education are not counted against the direct-hire allocation in 2.II.C.5 as a new appointment.

(a) Promotion. Students may be promoted while serving on the flexible length student term appointment to a higher grade/band level provided the student meets the program and qualification requirements for the position.

9. SSEP participants must complete a probationary period in accordance with 10 U.S.C. 1599e, or an approved STRL Lab Demo extended probationary period requirement, upon conversion to the competitive service. When an SSEP participant is converted directly from the SSEP to a permanent, competitive service position in a similar line of work without a break in service, time spent in the SSEP may be credited toward probationary period completion in accordance with title 5 CFR 315.802.

10. Documenting Personnel Actions (Students). Personnel actions for appointments of SSEP appointees are documented citing the first legal authority code (LAC)/legal authority as Z2U/Public Law 103–337. The second LAC/legal authority will be Z5CD/Direct-Hire Auth (STRL-Student), section 1105(1)(a)(3), Public Law 113–291, 12/19/2014.

11. Noncompetitive Conversion to Permanent Appointment. Students on temporary, term, or flexible length student term SSEP appointments may be noncompetitively converted to a permanent appointment at the discretion of the STRL director. The authority to convert the student to a permanent position may be further delegated in the STRL's internal operating procedures. These conversions do not count against the direct-hire allocation in 79 FR 43722, July 28, 2014, paragraph 2.II.B.4.

(a) Students employed under the SSEP may be noncompetitively converted to a permanent appointment upon graduation from the applicable institution of higher learning, provided the student meets all eligibility criteria and OPM qualification requirements for the STRL scientific or engineering position.

(b) The conversion request must be submitted to the human resources office within 120 days of completion of all degree requirements, but before the time-limited appointment expires.

(1) Time spent under a term or flexible length student term appointment shall count towards probationary period completion and career tenure. If the student was converted from a temporary to a term or flexible length student term appointment without a break in service of three days and was subsequently converted to a permanent position, the temporary time shall also count towards career tenure.

(2) Time spent under a temporary appointment, unless otherwise provided in section 2.II.C.11(b)(1), is not counted towards career tenure.

(3) SSEP students are subject to a probationary period as specified in section 2.II.C.9.

(4) The provisions of the career transition assistance programs in subparts B, F, and G of 5 CFR part 330 do not apply to the noncompetitive conversions.

(c) In cases where the STRL Director does not plan to convert the SSEP student to a permanent position, the SSEP's Flexible Length Student Term appointment may be terminated less than 120 days after completion of the designated academic course of study, subject to any applicable requirements of 5 U.S.C. chapter 75.

12. Documenting Personnel Actions (Noncompetitive Conversions). Personnel actions for noncompetitive conversions of SSEP participants to permanent appointments are documented citing the first legal authority code (LAC)/legal authority as Z2U/Public Law 103–337. The second LAC/legal authority will be Z5CE/Direct-Hire Auth (STRL–SSEP Conv), section 1104, Public Law 114–92, 11/25/2015.

13. Recruitment flexibilities.

(a) Tuition Assistance.

(1) Students may be eligible for tuition assistance. At the STRL Director's discretion, a student may be required to sign a written service agreement to continue in service for a period of up to three times the length of the time spent in training prior to accepting tuition assistance. The requirement for the length of the service obligation should be included in the respective STRL's internal operating procedures.

(2) A student who is eligible to continue employment for the duration of the obligated service and who does

not fulfill the service obligation may be required to provide repayment. Pursuant to 5 CFR chapter 1, section 410.309(c).

(3) Expenses of training. Students hired under the SSEP may be paid travel expenses when the worksite is in a different geographic location than that of the student's academic institution. Pursuant to 5 U.S.C. 4109(a)(2), these expenses may be paid each time the student returns to duty to the STRL. Procedures for paying these expenses shall be documented in the STRL's respective internal operating procedures.

(b) Pay Flexibilities.

(1) STRLs may use any applicable pay flexibilities (*e.g.,* recruitment, relocation, and retention incentives under 5 CFR part 575; student loan repayments under 5 CFR part 537; and the superior qualifications and special needs pay setting authority and the maximum payable rate rule under 5 CFR part 531, subpart B, or demonstration project pay flexibilities). Procedures for paying these flexibilities shall be documented in the STRL's respective internal operating procedures.

(2) Relocation Incentive/Bonus. Students hired under the SSEP may receive a relocation incentive/bonus. The authority to pay relocation incentives is expanded to allow an STRL to pay an incentive each time the student returns to duty to the laboratory. This authority applies to all student positions in the STRLs and provides the ability to expand recruitment to top universities and incentivize mobility by paying additional expenses to students accepting employment outside of their geographic area. A relocation bonus may be paid when the worksite is in a different geographic location than that of the student's college and is intended to cover some or all of the student's living expenses while working in the STRL. Procedures for paying these incentives shall be documented in the STRLs internal operating procedures. This section provides all designated STRLs the authority to implement a relocation bonus similar to the authority granted to the AFRL in the Air Force Research Laboratory in 75 FR 53076.

D. Personnel Considerations

1. Work Schedules. There are no limitations on the number of hours a student can work per week as long as all applicable laws and regulations governing overtime and hours of work are adhered to. Supervisors and students should agree on a schedule of school and work such that work responsibilities do not interfere unduly with the academic schedule and that completion of the educational program is accomplished.

2. Break in Program. STRL directors may use their discretion in either approving or denying a request for a break in program. This may be further delegated in the STRLs' internal operating procedures. A break in program is a period of time when the student is working but is unable to go to school, or is neither attending classes nor working.

3. Reduction in Force (RIF). Demonstration project students are covered by the RIF rules outlined in each STRL's FRN. Students serving under a temporary appointment are covered under Tenure Group 0 until completion of one year of continuous creditable civilian service. If the temporary appointment is extended for an additional year, then the tenure changes to Tenure Group 3. Students serving on a term appointment are covered under Tenure Group 3.

Note: All STRL RIF rules must be updated to incorporate the requirements of 10 U.S.C. 1597(f).

4. Termination.

(a) Temporary appointments expire upon the not-to-exceed date, unless extended.

(b) Flexible Length Student Term appointments for SSEP students expire 120 days after completion of the designated academic course of study, unless the human resources office has been notified that the student will be converted noncompetitively to a permanent position as described in paragraph 2.II.C.11.

(c) Individuals may retain eligibility for SSEP if they continue to meet the definition of a ''student'' (*i.e.,* are enrolled in a qualifying academic program) as identified in Section 2.II.B.3 and meet any academic requirements specified by the employing STRL.

(d) Students may be terminated for reasons including, but not limited to, mission requirements, misconduct, poor performance (including academic), or suitability.

E. Authorized Positions

1. SSEP appointments. The number of appointments made in a calendar year may not exceed 10 percent of the total number of scientific and engineering positions in such STRL, to include Senior Executive Service, Senior Technical, Senior Scientific Technical Manager or above General Schedule (GS)-15, military, and students within the STRL that are filled as of the close of the fiscal year ending before the start of such calendar year.

2. When determining the number of appointments authorized, if the percentage of authorized positions does not equal a whole number, the STRL shall round down to the next lower number.

3. Any changes to these authorizations, such as (but not limited to) increasing the number of appointments allowed or extending/eliminating the sunset date, do not require additional FRN notification.

F. Evaluation

STRLs will provide information and data on the use of these direct-hire appointment authorities including numerical limitations, hires made, declinations, veterans hired, difficulties encountered, and/or recognized efficiencies when requested by the SECDEF, head of the Military Department, Assistant Secretary of Defense (Research & Engineering), or Deputy Assistant Secretary of Defense (Civilian Personnel Policy).

Appendix A

United States Code and Code of Federal Regulations Waived Science and Technology Reinvention Laboratories

Title 5, United States Code	Title 5, Code of Federal Regulations
Subchapter I of chapter 33 of title 5, U.S.C. (other than sections 3303 and 3328).	5 CFR 300–330, other than Subpart G of 300 waived to the extent necessary to allow provisions of the direct hire authorities as described in this FRN. 5 CFR Part 316, Subparts C–D—Waived to the extent necessary to allow provisions of the direct hire authorities as described in this FRN.

Title 5, United States Code	Title 5, Code of Federal Regulations
5 U.S.C. 4108 (a)–(c)—Employee Agreements; Service after Training. Waive to allow: (1) the STRLs to determine if a service agreement is required and if so, to determine the period of required service for students employed under the Demo; (2) the Commanding Officer or the Laboratory STRL Director to waive in whole or in part a right of recovery; and (3) allow students to sign a service agreement up to three times the length of the training.	5 CFR, Part 410, § 410.309—Waived to allow: (1) the STRLs to determine if a service agreement is required and if so, the period of required service for students employed under the demo; (2) the Commanding Officer or the STRL Director to waive in whole or in part a right of recovery; and (3) allow students to sign a service agreement up to three times the length of the training.
5 U.S.C. 5753—Recruitment and relocation bonuses. Waived to the extent necessary to allow those STRL scientific and engineering employees and positions to be treated as employees and positions under the General Schedule and to allow relocation incentives to be paid to SSEP students whose worksite is in a different geographic location than that of the college in which enrolled each time they return to duty.	5 CFR part 575, Subparts A and B—Recruitment and Relocation Incentives. Waived to the extent necessary to allow employees hired and positions under the SSEP program to be treated as employees and positions under the General Schedule and to allow relocation incentives to be paid to SSEP students whose worksite is in a different geographic location than that of the college in which enrolled each time they return to duty.

Appendix B

STRLs Federal Register Notice of Approval of a Demonstration Project Plan

Part 1: STRLs Authorized by Director of Defense Research and Engineering, Memo 30 Aug 1994 and Section 342 of the FY 1995 NDAA, Public Law 103–337

STRL	**Federal Register** notice
Air Force Research Laboratory	61 FR 60400 amended by 75 FR 53076.
Army Research Laboratory	63 FR 10680.
Aviation and Missile Research, Development, and Engineering Center	62 FR 34906 and 62 FR 34876 amended by 65 FR 53142 (AVRDEC and AMRDEC merged together).
Communications-Electronics Research, Development, and Engineering Center.	66 FR 54872.
Engineer Research and Development Center	63 FR 14580.
Medical Research and Material Command	63 FR 10440.
Naval Research Laboratory	64 FR 33970.
Naval Sea Systems Command Warfare Centers	62 FR 64050.

Part 2. STRLs Authorized by Section 1105 of the FY 2010 NDAA, Public Law 111–84

STRL	**Federal Register** notice
Armament Research, Development and Engineering Center	76 FR 3744.
Edgewood Chemical Biological Center	74 FR 68936.
Natick Soldier Research, Development and Engineering Center	74 FR 68448.
Naval Air Systems Command Warfare Centers, Weapons and Aircraft Divisions.	76 FR 8530.
Office of Naval Research	75 FR 77380.
Space and Naval Warfare Systems Command, Space and Naval Warfare Systems Center, Atlantic and Pacific.	76 FR 1924.
Tank Automotive Research, Development and Engineering Center	76 FR 12508.

Appendix C

Qualification Standards for STRL Student Trainee Positions

This standard describes the qualification requirements for the STEM Student Employment Program (SSEP) participants.

Requirements for SSEP Participants

Appointments may be at the highest grade or level for which the participant is qualified.

Grade/level	Level of education
GS–2 or Demo Equivalent	Completion of high school or GED diploma.
GS–3 or Demo Equivalent	Completion of 1 full academic year of post-high school study.
GS–4 or Demo Equivalent	Completion of 2 full academic years of post-high school study or an associate's degree.
GS–5 or Demo Equivalent	Completion of 4 academic years of post-high school leading to a bachelor's or equivalent degree.

Grade/level	Level of education
GS–7 or Demo Equivalent	Completion of 1 full academic year of graduate level education; or eligibility under the Superior Academic Achievement Provision and completion of a bachelor's degree.
GS–9 or Demo Equivalent	Completion of 2 academic years of graduate level education, or a master's degree or equivalent graduate degree.
GS–11 or Demo Equivalent	For research positions, completion of all requirements for a master's or equivalent degree. For non-research positions, completion of all requirements for a PhD or equivalent degree.

One full academic year of undergraduate; graduate; technical or high school education is the number of credit hours determined by the college, university or school to represent one year of full-time study. The high school curriculum must be approved by a State or local governing body. All education beyond the high school level must be accredited by an accrediting body or organization recognized by the U.S. Department of Education.

Special Provisions/or Students with Previous Related Education or Experience. Previous education and/or experience may be evaluated to determine the highest grade level/band for which the student is qualified.

Dated: June 22, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–13487 Filed 6–27–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Withdrawal of Notice of Intent to Prepare an Environmental Impact Statement for the Chuitna Coal Mine Project, Alaska

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent; withdrawal.

SUMMARY: In accordance with the National Environmental Policy Act (NEPA), on January 4, 2011, the Alaska District, U.S. Army Corps of Engineers (Corps) initiated the Supplemental Environmental Impact Statement (EIS) process to identify and analyze potential impacts associated with the proposed Chuitna Coal Mine Project to assist in evaluating a Department of the Army permit application pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. On March 30, 2017, the applicant announced its decision to suspend pursuit of permitting efforts on the project. Therefore, the Corps is terminating the EIS process, and is withdrawing the Notice of Intent published in the Tuesday, January 4, 2011, issue of the **Federal Register**.

ADDRESSES: U.S. Army Corps of Engineers, CEPOA–RD, Post Office Box 6898, JBER, Alaska 99506–0898.

FOR FURTHER INFORMATION CONTACT: Questions regarding this action can be addressed by Jason Berkner, Regulatory Division, by telephone: (907) 753–5778 (toll free from within Alaska: (800) 478–2712), by fax: (907) 753–5567, by email: *Jason.R.Berkner@usace.army.mil,* or by mail: U.S. Army Corps of Engineers, CEPOA–RD, Post Office Box 6898, JBER, Alaska 99506–0898.

SUPPLEMENTARY INFORMATION: PacRim Coal, LP, requested Corps authorization, under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899, to develop the Chuitna Coal Project (Project), which was comprised of three components; the mine site, the project infrastructure, and the marine port. The Project consisted of mining a 5,050-acre lease tract with coal reserves of approximately 300 million tons of sub-bituminous ultra-low sulfur coal. The Project, as proposed, would have resulted in the discharge of dredged and/or fill material into an approximate total of 2,550 acres of waters of the U.S., including wetlands, 26 miles of streams, and marine waters. Due to the potentially significant environmental effects associated with the Project, on January 4, 2011, the Corps issued a Notice of Intent to Prepare an EIS (76 FR 336). The EIS would have also assessed issues related to the Alaska Surface Coal Mining Control and Reclamation Act (ASCMCRA) permit, which governs all aspects of the coal mining operation and infrastructure. On November 2, 2016, the Corps administratively withdrew the PacRim Coal, LP application for the Project pending State of Alaska's completeness determination on the ASCMCRA application. A complete ASCMCRA application would have confirmed availability of the information required by the Corps to enable informed public comment and review of the DA permit application, and development of the EIS. On March 30, 2017, the applicant announced its decision to suspend pursuit of permitting efforts on the Project. Therefore, in accordance with Corps regulations at 33 CFR part 230, Appendix C(2) and 33 CFR part 325, Appendix B(g), the Corps is terminating the EIS process, and is withdrawing the January 4, 2011, notice of intent to prepare an EIS for the proposal.

Dated: June 19, 2017.

Sheila Newman,

Chief, Special Actions Branch.

[FR Doc. 2017–13505 Filed 6–27–17; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

Applications for New Awards; International Research and Studies Program—Research, Studies, and Surveys

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for new awards for fiscal year (FY) 2017 for the International Research and Studies Program, Catalog of Federal Domestic Assistance (CFDA) number 84.017A.

DATES:

Applications Available: June 28, 2017.

Deadline for Transmittal of Applications: August 14, 2017.

FOR FURTHER INFORMATION CONTACT: Cheryl E. Gibbs, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E245, Washington, DC 20202–4260. Telephone: (202) 453–5690 or by email: *cheryl.gibbs@ed.gov.*

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

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The International Research and Studies (IRS) Program provides grants to institutions, public and private agencies, organizations, and individuals to conduct research and

studies to improve and strengthen instruction in modern foreign languages, area studies, and other international fields.

The Department is authorized to invite applications for research, surveys, or studies and applications for instructional materials for an IRS competition. For FY 2017, however, the Department is inviting applications only for research, surveys, or studies.

Priorities: In accordance with 34 CFR 75.105(b)(2)(ii), these priorities are from regulations (34 CFR 660.1, 660.10, 660.32, and 660.34).

Absolute Priority: For FY 2017 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Applications that propose research projects, surveys, or studies.

Competitive Preference Priorities: For FY 2017 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award an additional 5 points to an application, depending on how well the application meets one of these priorities.

These priorities are:

Competitive Preference Priority 1—Research Projects, Surveys, and Studies regarding U.S. School-based Dual Language Immersion Programs. (5 points)

Under this priority the Department gives competitive preference to research projects, studies, and surveys focused on Dual Language Immersion (DLI) programs in U.S. preschool to grade 12 schools. For the purpose of this priority, a DLI program means a program that includes native English-speaking students and native speakers of a foreign language. The goals of DLI programs are to develop bilingualism/biliteracy, academic achievement, and cross-cultural competencies for all students. In DLI programs, students learn content through both their native language and the target language.[1]

Topics may include, but are not limited to, the effect of participation in DLI programs on student outcomes such as proficiency level in the second language or graduation or employment rates; the effectiveness of specific DLI approaches or models; the relationship between DLI instruction and learners' cognitive and problem-solving skills or achievement in other academic areas; the availability and articulation of DLI programming as students matriculate through the grade levels in their current school or at other educational institutions, and the effect of DLI programming on students' progress in the second language or on other outcomes; and contexts that may support successful adoption of DLI, among other topics.

Competitive Preference Priority 2—Research Projects, Surveys, and Studies on the Outcomes of International Education Programs for U.S. Postsecondary Education Students. (5 points)

Under this priority the Department gives competitive preference to research projects, surveys, and studies that focus on the outcomes of participation in and/or access to international education programs for students in the U.S. postsecondary education sector. Topics may include, but are not limited to: The relationship between participation in international education and students' persistence, completion, and/or academic and/or personal achievement in postsecondary education; underserved students' access to, and participation and success in international education; the impact of international education participation on career readiness and post-college employment outcomes; and international education and the development of global competence that contributes to economic competitiveness, among other topics.

For the purpose of this priority:

Global competence means the acquisition of in-depth knowledge and understanding of international issues, an appreciation of and ability to learn and work with people from diverse linguistic and cultural backgrounds, proficiency in foreign language(s), and skills to function productively in an interdependent world community. (''Global Competence is a 21st Century Imperative'' (2010), National Education Association, Education Policy and Practice Department, Washington, DC).

International education means teaching and learning about other world regions. It is generally understood to include, but is not limited to, knowledge of other world regions, cultures, and global issues; proficiency in communicating in languages other than English; working in global or cross-cultural environments; critical thinking skills and the ability to apply them flexibly to world problems; and study abroad. A study abroad program might be a part of undergraduate or graduate training and occurs outside the student's home country. It could include experiential learning such as work, volunteering, non-credit internships, and directed travel, as long as these experiences are guided to a significant degree by learning goals. International education opportunities are designed to prepare American students to be contributing citizens, productive employees, and competent leaders in the interconnected world of the 21st century.[2]

Program Authority: 20 U.S.C. 1125.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 82, 84, 86, 97, 98, and 99. (b) The OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR parts 655 and 660.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Area of National Need: In accordance with section 601(c) of the HEA (20 U.S.C. 1121(c)), the Secretary has consulted with and received recommendations regarding national need for expertise in foreign language and world regions from the head officials of a wide range of Federal agencies. The Secretary has taken these recommendations into account and a list of foreign languages and world regions identified by the Secretary as areas of national need may be found on the following Web site: *http://www2.ed.gov/about/offices/list/ope/iegps/consultation-2014.pdf.*

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $712,329.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2018 from the list of unfunded applications from this competition.

Estimated Range of Awards: $40,000–$101,761 per year.

Estimated Average Size of Awards: $71,232 per year.

[1] Lindholm-Leary, Kathryn J. *Dual Language Education.* Avon, England: Multilingual Matters, 2001, p. 30.

[2] Asia Society and the Council of Chief State School Officers, ''Putting the World into World Class Education: State Innovations and Opportunities,'' 2008.

Maximum Award: The maximum award amount is $101,761. We will not consider any application that proposes a budget exceeding $101,761 for a single budget period of 12 months.

Estimated Number of Awards: 10.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* Public and private agencies, organizations, and institutions, and individuals.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address To Request Application Package:* Cheryl E. Gibbs, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E245, Washington, DC 20202–4260. Telephone: (202) 453–5690 or by email: *cheryl.gibbs@ed.gov.*

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program. The IRS Program covers two types of applications, 84.017A–1 for research, surveys, and studies; and 84.017A–3 for instructional materials. For FY 2017, all potential applicants must submit applications under type 84.017A–1 for research, surveys, and studies because the Department will only consider applications for research, studies, and surveys.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 30 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.
- Use a font that is 12 point or larger.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the resumes, the reference list, the letters of support, or the appendices. However, the recommended page limit does apply to all of Part III, the application narrative, including all text in charts, tables, figures, graphs, and screen shots.

3. *Submission Dates and Times:*

Applications Available: June 28, 2017.

Deadline for Transmittal of Applications: August 14, 2017.

Applications for grants under this program must be submitted electronically using the *Grants.gov* Apply site (*Grants.gov*). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to *Other Submission Requirements* in section IV of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT**. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* We specify unallowable costs in 34 CFR 660.40. We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following Web site: *http://fedgov.dnb.com/webform.* A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, it may be 24 to 48 hours before you can access the information in, and submit an application through, *Grants.gov.*

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via *Grants.gov*, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with *Grants.gov* as an AOR. Details on these steps are outlined at the following *Grants.gov* Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the IRS Program, CFDA number 84.017A, must be submitted electronically using the Governmentwide *Grants.gov* Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the IRS Program at *www.Grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.017, not 84.017A).

Please note the following:

- When you enter the *Grants.gov* site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the *Grants.gov* system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the *Grants.gov* system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from *Grants.gov*, we will notify you if we are rejecting your application because it was date and time stamped by the *Grants.gov* system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through *Grants.gov.*
- You should review and follow the Education Submission Procedures for submitting an application through *Grants.gov* that are included in the application package for this program to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* under News and Events on the Department's G5 system home page at *www.G5.gov.* In addition, for specific guidance and procedures for submitting an application through *Grants.gov,* please refer to the *Grants.gov* Web site at: *www.grants.gov/web/grants/applicants/apply-for-grants.html.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a read-only, non-modifiable Portable Document Format (PDF). Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF (*e.g.,* Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will not review that material. Please note that this could result in your application not being considered for funding because the material in question—for example, the project narrative—is critical to a meaningful review of your proposal. For that reason it is important to allow yourself adequate time to upload all material as PDF files. The Department will not convert material from other formats to PDF. Additional, detailed information on how to attach files is in the application instructions.
- After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. This notification indicates receipt by *Grants.gov* only, not receipt by the Department. *Grants.gov* will also notify you automatically by email if your application met all the *Grants.gov* validation requirements or if there were any errors (such as submission of your application by someone other than a registered Authorized Organization Representative or inclusion of an attachment with a file name that contains special characters). You will be given an opportunity to correct any errors and resubmit, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by *Grants.gov,* the Department will retrieve your application from *Grants.gov* and send you an email with a unique PR/Award number for your application.

These emails do not mean that your application is without any disqualifying errors. While your application may have been successfully validated by *Grants.gov,* it must also meet the Department's application requirements as specified in this notice and in the application instructions. Disqualifying errors could include, for instance, failure to upload attachments in a read-only, non-modifiable PDF; failure to submit a required part of the application; or failure to meet applicant eligibility requirements. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through *Grants.gov,* please contact the *Grants.gov* Support Desk, toll free, at 1–800–518–4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the *Grants.gov* system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** and provide an explanation of the technical problem you experienced with *Grants.gov*, along with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. We will contact you after we determine whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the *Grants.gov* system. We will not grant you an extension if you failed to fully register to submit your application to *Grants.gov* before the application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the *Grants.gov* system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the *Grants.gov* system; and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Cheryl E. Gibbs, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E245, Washington, DC 20202–4260. FAX: (202) 453–5780.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.017A), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.017A), 550 12th Street SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to theDepartment—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 655.31, 660.31, and 660.32, and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Special Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal

Awardee Performance and Integrity Information System (FAPIIS)), accessible through SAM. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

Performance reports for the IRS Program must be submitted electronically using the International Resource Information System (IRIS), the International and Foreign Language Education office's web-based reporting system. For information about the system and to view the reporting instructions, please go to *http://iris.ed.gov/iris/pdfs/IRS.pdf.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

4. *Performance Measures:* The following performance measures have been established to assess the effectiveness of the IRS Program:

1. Percentage of IRS projects that are focused on improving or strengthening K–16 instruction in less commonly taught languages, area studies, or other international fields.

2. Percentage of IRS projects that are focused on the evaluation of the outcomes and effectiveness of Title VI-Fulbright-Hays International Education programs in addressing national needs.

3. Percentage of IRS projects that result in information from IRS studies, surveys, or research on language, area, and international studies being made available and accessible to the public.

4. The cost per IRS project that is focused on improving or strengthening K–16 instruction in modern foreign languages, area studies, and other international fields.

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; Whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: June 23, 2017.

Kathleen A. Smith,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 2017–13521 Filed 6–27–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–123–000.

Applicants: American Transmission Company LLC, Wisconsin Power and Light Company.

Description: Supplement to May 20, 2017 Application of American Transmission Company LLC, et. al. (Exhibit N) under Section 203 of the FPA.

Filed Date: 6/21/17.

Accession Number: 20170621–5190.

Comments Due: 5 p.m. ET 7/12/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–193–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing: 2017–06–22_SA 2856_MidAm-MidAm Substitute 1st Revised GIA to be effective 10/28/2016.

Filed Date: 6/22/17.
Accession Number: 20170622–5096.
Comments Due: 5 p.m. ET 7/13/17.
Docket Numbers: ER17–1886–000.
Applicants: NorthWestern Corporation.
Description: Tariff Cancellation: Notice of Cancellation: SA 783, Firm Point-to-Point TSA with Energy Keepers to be effective 9/1/2017.
Filed Date: 6/22/17.
Accession Number: 20170622–5080.
Comments Due: 5 p.m. ET 7/13/17.
Docket Numbers: ER17–1887–000.
Applicants: NorthWestern Corporation.
Description: § 205(d) Rate Filing: SA 818—Firm Point-to-Point TSA with Energy Keepers (MVP) to be effective 9/1/2017.
Filed Date: 6/22/17.
Accession Number: 20170622–5087.
Comments Due: 5 p.m. ET 7/13/17.

Take notice that the Commission received the following foreign utility company status filings:

Docket Numbers: FC17–2–000.
Applicants: Jacinta Solar Farm S.R.L.
Description: Self-Certification of Foreign Utility Company Status of Jacinta Solar Farm S.R.L.
Filed Date: 6/22/17.
Accession Number: 20170622–5136.
Comments Due: 5 p.m. ET 7/13/17.
Docket Numbers: FC17–3–000.
Applicants: Nicefield S.A.
Description: Self-Certification of Foreign Utility Company Status of Nicefield S.A.
Filed Date: 6/22/17.
Accession Number: 20170622–5137.
Comments Due: 5 p.m. ET 7/13/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 22, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–13524 Filed 6–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–133–000.
Applicants: Beech Ridge Energy LLC, Beech Ridge Energy II LLC, Beech Ridge Energy Storage LLC, Bishop Hill Energy III LLC, Bishop Hill Interconnection LLC, Buckeye Wind Energy LLC, Forward Energy LLC, Grand Ridge Energy LLC, Grand Ridge Energy III LLC, Grand Ridge Energy IV LLC, Grand Ridge Energy V LLC, Grand Ridge Energy Storage LLC, Gratiot County Wind LLC, Gratiot County Wind II LLC, Invenergy TN LLC, Judith Gap Energy LLC, Prairie Breeze Wind Energy II LLC, Prairie Breeze Wind Energy III LLC, Sheldon Energy LLC, Spring Canyon Energy LLC, Stony Creek Energy LLC, Vantage Wind Energy LLC, Wolverine Creek Energy LLC, Wolverine Creek Goshen Interconnection, Willow Creek Energy LLC, Grand Ridge Energy II LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Waivers and Expedited Action of Beech Ridge Energy LLC, et al.
Filed Date: 6/21/17.
Accession Number: 20170621–5186.
Comments Due: 5 p.m. ET 7/12/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–348–005; ER14–2102–001; ER15–1378–001.
Applicants: Mercuria Energy America, Inc., Mercuria Commodities Canada Corporation, Danskammer Energy, LLC.
Description: Updated Triennial Market Analysis for the Northeast Region of the Mercuria Sellers.
Filed Date: 6/21/17.
Accession Number: 20170621–5202.
Comments Due: 5 p.m. ET 8/21/17.
Docket Numbers: ER17–351–002; ER17–354–002.
Applicants: American Falls Solar, LLC, American Falls Solar II, LLC.
Description: Notice of Change in Status of American Falls Solar, LLC, et al.
Filed Date: 6/21/17.
Accession Number: 20170621–5199.
Comments Due: 5 p.m. ET 7/12/17.
Docket Numbers: ER17–1512–000.
Applicants: CinCap V, LLC.
Description: Supplemental Information/Request of CinCap V, LLC.
Filed Date: 6/21/17.
Accession Number: 20170621–5136.
Comments Due: 5 p.m. ET 7/12/17.
Docket Numbers: ER17–1881–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: True-Up Amendment SGIAs Agincourt Solar Project & Marathon Project to be effective 8/22/2017.
Filed Date: 6/22/17.
Accession Number: 20170622–5006.
Comments Due: 5 p.m. ET 7/13/17.
Docket Numbers: ER17–1882–000.
Applicants: Midcontinent Independent System Operator, Inc., Otter Tail Power Company.
Description: § 205(d) Rate Filing: 2017–06–22_SA 2915 Termination of Otter Tail-Minnkota FCA (Warsaw Substation) to be effective 9/30/2016.
Filed Date: 6/22/17.
Accession Number: 20170622–5009.
Comments Due: 5 p.m. ET 7/13/17.
Docket Numbers: ER17–1883–000.
Applicants: Mineral Point Energy LLC.
Description: Baseline eTariff Filing: Mineral Point Energy LLC MBR Filing to be effective 8/21/2017.
Filed Date: 6/22/17.
Accession Number: 20170622–5046.
Comments Due: 5 p.m. ET 7/13/17.
Docket Numbers: ER17–1884–000.
Applicants: Wrighter Energy LLC.
Description: Baseline eTariff Filing: Wrighter Energy LLC MBR Filing to be effective 8/21/2017.
Filed Date: 6/22/17.
Accession Number: 20170622–5047.
Comments Due: 5 p.m. ET 7/13/17.
Docket Numbers: ER17–1885–000.
Applicants: Northern States Power Company, a Minnesota corporation.
Description: Notice of Cancellation of the Transmission Exchange Agreement FERC Electric RS No. 471, as supplemented, of Northern States Power Company, a Minnesota corporation.
Filed Date: 6/22/17.
Accession Number: 20170622–5048.
Comments Due: 5 p.m. ET 7/13/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing

requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 22, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–13523 Filed 6–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CD17–13–000]

Pioneer Valley, LLC; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene

On June 20, 2017, Pioneer Valley, LLC, filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA), as amended by section 4 of the Hydropower Regulatory Efficiency Act of 2013 (HREA). The proposed Pioneer Valley Hydro Site Project would have a combined installed capacity of 6 kilowatts (kW), and would be located along two sections of an existing irrigation pipeline. The project would be located near the Town of Cimarron in Gunnison County, Colorado.

Applicant Contact: Gary Stephens, 18876 6495 Road, Montrose, CO 81403, Phone No. (970) 209–6104, email *gwstephens49@gmail.com.*

FERC Contact: Robert Bell, Phone No. (202) 502–6062, email: *robert.bell@ferc.gov.*

Qualifying Conduit Hydropower Facility Description: The proposed project would consist of: (1) A new 25-foot-long, 8-inch diameter intake pipe; (2) a new powerhouse containing 2 generating units (one 4 kilowatt turbine and one 2 kilowatt turbine) with a total installed capacity of 6 kilowatts (kW); (3) a new 80-foot-long, 12-inch diameter discharge pipe to nearby pond; and (4) appurtenant facilities. The proposed project would have an estimated annual generating capacity of 45,900 kilowatt-hours (kWh).

A qualifying conduit hydropower facility is one that is determined or deemed to meet all of the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

Statutory provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(A), as amended by HREA ...	The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.	Y
FPA 30(a)(3)(C)(i), as amended by HREA	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.	Y
FPA 30(a)(3)(C)(ii), as amended by HREA	The facility has an installed capacity that does not exceed 5 megawatts	Y
FPA 30(a)(3)(C)(iii), as amended by HREA.	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.	Y

Preliminary Determination: The proposed hydroelectric project will utilize the existing water distribution pipeline, and its addition will not alter the distribution pipeline's primary purpose. Therefore, based upon the above criteria, Commission staff preliminarily determines that the proposal satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

Comments and Motions to Intervene: Deadline for filing comments contesting whether the facility meets the qualifying criteria is 45 days from the issuance date of this notice.

Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY or MOTION TO INTERVENE, as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.[1] All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in

[1] 18 CFR 385.2001–2005 (2016).

accordance with 18 CFR 4.34(b) and 385.2010.

Locations of Notice of Intent: Copies of the notice of intent can be obtained directly from the applicant or such copies can be viewed and reproduced at the Commission in its Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the web at *http://www.ferc.gov/docs-filing/elibrary.asp* using the ''eLibrary'' link. Enter the docket number (*i.e.,* CD17–13) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

Dated: June 22, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–13522 Filed 6–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–465–000]

Dominion Energy Transmission, Inc.; Notice of Request Under Blanket Authorization

Take notice that on June 16, 2017, Dominion Energy Transmission, Inc. (DETI), located at 707 East Main Street, Richmond, VA 23219, filed a prior notice request pursuant to sections 157.205 and 157.216 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act (NGA), seeking authorization to plug and abandon ''future storage'' wells: JW–452F, JW–453F, JW–539F and associated pipelines: JP–419, JP–421, JP–448, JP–449, JP–451, JP–453 and Meter: 5104601 located in the Oakford Storage Complex in Westmoreland County, Pennsylvania. DETI and Texas Eastern Transmission, LP jointly own the Oakford Storage Complex as tenants in common with equal undivided one-half interests. DETI is the operator of the Oakford Storage Complex and as the operator is making this filing on behalf of both parties. The certificated physical parameters, including total inventory, reservoir pressure, reservoir and buffer boundaries, and certificated capacity (including injection and withdrawal capacity) of the Oakford Storage Complex will remain unchanged, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this Application should be directed to Kenan W. Carioti, Regulatory & Certificates Analyst III, Dominion Energy Transmission, Inc., 707 East Main Street, Richmond, VA 23219, by phone (804) 771–4018 or by Email: *Kenan.W.Carioti@DominionEnergy.com.*

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and ill not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the e-Filing link. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: June 22, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–13525 Filed 6–27–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9962–04–Region 5]

Proposed De minimis Settlement With Sunoco (R&M), LLC at Lammers Barrel Site in Beavercreek, Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), notice is hereby given by the U.S. Environmental Protection Agency (''EPA''), Region 5, of a proposed *de minimis* administrative agreement under Section 122(g) of CERCLA, between EPA and Sunoco (R&M), LLC. pertaining to the Lammers Barrel Superfund Site located in the Beavercreek, Greene County, Ohio (''Site''). The settlement requires a $85,253.85 payment by Sunoco (R&M), LLC. to the EPA Hazardous Substance Superfund Lammers Barrel Superfund Site Special Account set aside for the remedial design and remedial action

(RD/RA) work at operable unit 2 (''OU2''). Crediting the $73,538 Sunoco (R&M), LLC previously paid to the group of parties performing work at the Site, it will have paid $158,791.85, its fair share of cleanup costs incurred and anticipated to be incurred in the future at the Site, plus a ''premium'' that accounts for, among other things, uncertainties associated with the costs of future work at the Site. The payment also factors in an orphan share based on 25% of the estimated RD/RA costs at OU2. The settlement includes a covenant not to sue pursuant to Sections 106 and 107 of CERCLA, relating to the Site, subject to limited reservations, and protection from contribution actions or claims as provided by Sections 113(f)(2) and 122(g)(5) of CERCLA. For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the settlement. EPA will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations that indicate that the proposed settlement is inappropriate, improper, or inadequate. EPA's response to any comments received will be available for public inspection at EPA Region 5, 77 West Jackson Blvd., Chicago, IL. 60604.

DATES: Comments must be submitted on or before July 28, 2017.

ADDRESSES: The proposed settlement is available for public inspection at EPA Region 5 offices at 77 West Jackson Blvd., Chicago, IL 60604. A copy of the proposed settlement may be obtained from Maria Gonzalez, Associate Regional Counsel, Region 5, 77 West Jackson Blvd., mail code: C–14J, Chicago, IL 60604. Comments should reference the Lammers Barrel Superfund Site, and EPA Docket No. V–W–17–C–006 and should be addressed to Maria Gonzalez, Associate Regional Counsel, EPA, Office of Regional Counsel, Region 5, 77 West Jackson Blvd., mail code: C–14J, Chicago, IL 60604.

FOR FURTHER INFORMATION CONTACT: Maria Gonzalez, Associate Regional Counsel, EPA, Office of Regional Counsel, Region 5, 77 West Jackson Blvd., mail code: C–14J, Chicago, IL 60604. Telephone: 312–886–6630. E-Mail: *gonzalez.maria@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA executed a Consent Decree with Sixteen major parties, the owner, twenty-one *de minimis* parties, and two Federal agencies that was entered on April 22, 2014, after public comment (the Consent Decree). The Consent Decree addressed the remedial design and remedial action at OU1 of the Site as well as *de minimis* settlement. EPA previously issued an administrative order on consent for a remedial investigation and feasibility study (RI/FS) in 2002, and amended it in 2008, to add more parties. The group is conducting the RD/RA at OU2 and continues the RI/FS at OU1. EPA brought a cost recovery action against two other parties Sunoco, Inc. and Dayton Industrial Drums, Inc. in 2016. The proposed settlement does not cover those parties.

Dated: April 21, 2017.

Margaret M. Guerriero,

Acting Director, Superfund Division.

[FR Doc. 2017–13541 Filed 6–27–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0055]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegate Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before August 28, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email: *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the PRA, 44 U.S.C. 3501–3520, the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0055.

Title: Application for Cable Television Relay Service Station License, FCC Form 327.

Form Number: FCC Form 327.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions.

Number of Respondents and Responses: 400 respondents; 400 responses.

Estimated Time per Response: 3.166 hours.

Frequency of Response: On occasion reporting requirement; Every 5 years reporting requirement.

Total Annual Burden: 1,266 hours.

Total Annual Costs: $98,000.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i), 308 and 309 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: This filing is the application for a Cable Television Relay Service (CARS) microwave radio license. Franchised cable systems and other eligible services use the 2, 7, 12 and 18 GHz CARS bands for microwave relays pursuant to part 78 of the Commission's Rules. CARS is principally a video transmission service used for intermediate links in a distribution network. CARS stations relay signals for and supply program material to cable television systems and other eligible entities using point-to-point and point-to-multipoint transmissions. These relay stations enable cable systems and other CARS licensees to transmit television broadcast and low power television and related audio signals, AM and FM broadcast stations, and cablecasting from one point (*e.g.,* on one side of a river or mountain) to another point (*e.g.,* the other side of the river or mountain) or many points (''multipoint'') via microwave. The filing is done for an initial license, for modification of an existing license, for transfer or assignment of an existing license, and for renewal of a license after five years from initial issuance or from renewal of a license. Filing is done in accordance with Sections 78.11 to 78.40 of the Commission's Rules. The form consists of multiple schedules and exhibits, depending on the specific action for which it is filed. Initial applications are the most complete, and renewal applications are the most brief. The data collected is used by Commission staff to determine whether grant of a license is in accordance with Commission requirements on eligibility, permissible use, efficient use of spectrum, and prevention of interference to existing stations.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–13515 Filed 6–27–17; 8:45 am]

BILLING CODE 6712–01–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 24, 2017.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528. Comments can also be sent electronically to or *Comments.applications@rich.frb.org:*

1. *First Bancorp, Southern Pines, North Carolina;* to acquire 100 percent of the voting securities of ASB Bancorp, Inc., Asheville, North Carolina, and thereby indirectly acquire Asheville Savings Bank, SSB, Asheville, North Carolina.

Board of Governors of the Federal Reserve System, June 23, 2017.

Michelle T. Fennell,

Assistant Secretary of the Board.

[FR Doc. 2017–13502 Filed 6–27–17; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Availability of Program Application Instructions for Tribal MIPPA Program Funds

Title: Medicare Beneficiary Outreach and Assistance Program: Funding for Title VI Native American Programs.

Announcement Type: Initial.

Funding Opportunity Number: HHS–2017–ACL–MITRB–1702.

Statutory Authority: The statutory authority for grants under this program announcement is contained in Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008, as amended by section 3306 of the Patient Protection and Affordable Care Act, section 610 of the American Taxpayer Relief Act of 2012, section 1110 of the Pathway for SGR Reform Act of 2013, and section 110 of the Protecting Access to Medicare Act of 2014, and section 208 of the Medicare Access and CHIP Reauthorization Act of 2015 (MACRA).

Catalog of Federal Domestic Assistance (CFDA) Number: 93.071.

Dates: The deadline date for the submission of applications is 11:59 p.m. EST August 15, 2017.

I. Funding Opportunity Description

Section 110 of the Protecting Access to Medicare Act of 2014 extended funding for outreach and assistance for low income programs under the Medicare Improvements for Patients and Providers Act (MIPPA). Older Americans Act (OAA) Title VI Native American Programs can fill an important role in providing valuable support to help eligible Native American elders in accessing the Low Income Subsidy program (LIS), Medicare Savings Program (MSP), Medicare Part D, Medicare prevention benefits and screenings and in assisting beneficiaries in applying for benefits. The purpose of these MIPPA grants will be to help inform eligible Native American elders about these benefits. The Administration for Community Living's (ACL) Administration on Aging (AoA) seeks certification from OAA Title VI Native American programs that they will use the funds to coordinate at least one community announcement and at least one community outreach event to inform and assist eligible American Indian, Alaska Native or Native Hawaiian elders about the benefits available to them through Medicare Part D, the Low Income Subsidy, the Medicare Savings Program or Medicare prevention benefits and screenings and counsel those who are eligible.

II. Award Information

ACL/AoA has a total budget of $270,000 for the Tribes and will provide a grant of at least $1,000 to each Older Americans Act Title VI Native American grantee. ACL reserves the right to adjust funding levels subject to the number of applications received and availability of funds. ACL/AoA will award grants of at

least $1,000 to each Title VI Native American grantee for a period of 12 months. The example of at least $1,000 per event is for illustrative purposes only. All expenditures must be properly documented and allowable per the terms and conditions of the grant award. The anticipated award date is on or before September 30, 2017.

III. Eligibility Criteria and Other Requirements

Only current Older Americans Act Title VI Native American Program grantees are eligible to apply for this funding opportunity. Cost Sharing or Matching is not required.

IV. Submission Information

The program instructions and one-page application template for this funding opportunity are available at *www.grants.gov.* At the Web site, search for HHS–2017–ACL–MITRB–1702.

To receive consideration, signed applications must be submitted by 11:59 p.m. Eastern time on August 15, 2017. No applications will be accepted after this date. Submit your signed application via:

(1) Email to *MIPPA.Grants@acl.hhs.gov.* Include the State, Name of Tribe, and Title VI Part A Grant Number and the words ''MIPPA Application'' in the subject line; or

(2) *Overnight mail (FedEx, UPS, or USPS) to:* Administration for Community Living, Office of Grants Management, 330 C Street SW., Suite 1136B, Washington, DC 20201, Attention: Yi-Hsin Yan.

V. Agency Contacts

Direct inquiries regarding this funding opportunity to U.S. Department of Health and Human Services, Administration for Community Living, Administration on Aging, Washington, DC 20201, attention: Cecelia Aldridge or by calling (202) 795–7293 or by email *Cecelia.Aldridge@acl.hhs.gov.*

Dated: June 21, 2017.

Mary Lazare,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2017–13530 Filed 6–27–17; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Notice of Intent To Award a Single Supplement to the National Association of Area Agencies on Aging; The Eldercare Locator

Summary: The Administration for Community Living (ACL) is announcing supplemental funding for the Eldercare Locator program. The Eldercare Locator program helps older adults and their families and caregivers find their way through the maze of services for older adults by linking to a trustworthy network of national, State, Tribal and community organizations and services through a nationally recognized toll-free number. The Eldercare Locator also provides older adults and caregivers who require more in depth support the opportunity to speak with highly trained eldercare consultants who can better triage the situation. The purpose of this announcement is to award supplemental funds to the National Association of Area Agencies on Aging to support additional staff and enhanced educational tools to better serve callers.

Program Name: Eldercare Locator.

Award Amount: $134,452.

Budget Period: 6/1/2017 to 5/31/2018.

Award Type: Cooperative Agreement.

Statutory Authority: The statutory authority for grants under this notice is contained in Title IV of the Older Americans Act (OAA) (42 U.S.C. 3032), as amended by the Older Americans Act Amendments of 2006. Statutory authority specifically for the Eldercare Locator is contained in Title II of the Older Americans Act (202(a)(21)).

Catalog of Federal Domestic Assistance (CFDA) Number: 93.048 Discretionary Projects.

I. Program Description

The Administration on Aging, an agency of the U.S. Administration for Community Living, has been funding the Eldercare Locator (the Locator) since 1991. The Eldercare Locator links older persons and their caregivers to resources through a nationally recognized toll-free number, 1–800–677–1116 and Web site (*www.eldercare.gov*). The goal is to provide users with the information and resources they need that will help older persons live independently and safely in their homes and communities for as long as possible.

The Eldercare Locator call center utilizes live agents to help callers find their way through the maze of services for older adults by linking to a trustworthy network of national, State, Tribal and community organizations and services. In 2011, an additional feature was added to assist older adults and caregivers who require more in depth support the opportunity to speak with highly trained eldercare consultants who can better triage the situation.

II. Justification for the Supplemental Funding

Over the past several years there has been a steady increase in the number of callers to the Eldercare Locator growing from 180,000 calls in 2011 to over 308,000 in 2016. The calls are becoming more complex and requiring additional time to resolve. There is a need to increase the number of staff available to handle complex issues and increase call volumes. In addition, there is a need to update and enhance the educational tools and resources, such as tip sheets and brochures, available from the Eldercare Locator to better educate callers about eldercare services and resources.

III. Agency Contact

For further information or comments regarding this program expansion supplement, contact Sherri Clark, U.S. Department of Health and Human Services, Administration for Community Living, Administration on Aging, Washington, DC 20201; telephone (202) 795–7327; email *sherri.clark@acl.hhs.gov.*

Dated: June 21, 2017.

Mary Lazare,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2017–13528 Filed 6–27–17; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Solicitation for Written Comments on the Development of Healthy People 2030

AGENCY: Office of Disease Prevention and Health Promotion, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Office of Disease Prevention and Health Promotion, Office of the Assistant Secretary for Health, U.S. Department of Health and Human Services (HHS), is soliciting written comments on the *Healthy People 2030* proposed framework, including the vision, mission, overarching goals, plan of action, and

foundational principles. Every 10 years, through the Healthy People initiative, HHS leverages scientific insights and lessons from the past decade along with new knowledge of current data, trends, and innovations to develop the next iteration of national health promotion and disease prevention objectives. Healthy People provides science-based, 10-year national objectives for promoting health and preventing disease. Since 1979, Healthy People has set and monitored national health objectives to meet a broad range of health needs, encouraged collaborations across sectors, guided individuals toward making informed health decisions, and measured the impact of our prevention and health promotion activities. *Healthy People 2030* will reflect assessments of major risks to health and wellness, changing public health priorities, new knowledge in prevention, and emerging issues related to our nation's health preparedness.

DATES: In order for comments on the proposed vision, mission, overarching goals, and framework for *Healthy People 2030* to be considered, written comments must be submitted via the Internet at *www.HealthyPeople.gov* by 5:00 p.m. Eastern Time on September 29, 2017.

ADDRESSES: The proposed framework for *Healthy People 2030* can be viewed and commented upon at *http://www.healthypeople.gov.*

FOR FURTHER INFORMATION CONTACT: Ayanna Johnson, Public Health Advisor, U.S. Department of Health and Human Services, Office of the Assistant Secretary for Health, Office of Disease Prevention and Health Promotion, 1101 Wootton Parkway, Suite LL100, Rockville, MD 20852, *HP2030@hhs.gov* (email), or (240) 245–8281 (fax).

SUPPLEMENTARY INFORMATION:

Background: The Healthy People development process strives to maximize transparency, public input and stakeholder dialogue to ensure that Healthy People 2030 is relevant to diverse public health needs and seizes opportunities to achieve its goals. Since its inception, Healthy People has become a broad-based, public engagement initiative with thousands of citizens helping to shape it at every step along the way. Drawing on the expertise of a Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2030 and public input, Healthy People will be organized to establish a framework to address risk factors and determinants of health and the diseases and disorders that are affecting our communities. Public participation will shape Healthy People 2030, its purpose, goals, organization, and action plans. HHS is soliciting written public comments on the development of *Healthy People 2030* through online public comment. As a national initiative, Healthy People's success depends on a coordinated commitment to improve the health of the nation. Individuals may subscribe to the listserv at: *http://bit.ly/2g3tqdE* for the latest information on Healthy People 2020 and Healthy People 2030.

Authority: 42 U.S.C. 200u.

Dated: June 1, 2017.

Don Wright,

Deputy Assistant Secretary for Health, Disease Prevention and Health Promotion.

[FR Doc. 2017–13463 Filed 6–27–17; 8:45 am]

BILLING CODE 4150–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Frederick National Laboratory Advisory Committee to the National Cancer Institute.

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 discussion of research projects/programs could disclose unpublished and financial data, technical information, confidential trade secrets or commercial property, such as patentable material, and personal information concerning investigators/individuals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Frederick National Laboratory Advisory Committee to the National Cancer Institute.

Date: July 18, 2017.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review the existing research portfolio (both intramural and extramural) and newly initiated research projects being conducted at the Frederick National Laboratory for Cancer Research (FNLCR).

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room TE406, Rockville, MD 20850 (Virtual Meeting).

Contact Person: Caron A. Lyman, Ph.D., Executive Secretary, National Cancer Institute, National Institutes of Health, 9609 Medical Center Drive, Room 7W–126, Bethesda, MD 20892, 240–276–6348, *lymanc@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 22, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–13466 Filed 6–27–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the NIH Clinical Center Research Hospital Board.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The portion of the meeting devoted to the identification and evaluation of specific candidates for consideration for a leadership position in the Clinical Center will be closed to the public in accordance with the provisions set forth in section 552b(c)(9)(B) and 552b(c)(6), Title 5 U.S.C., as amended. Premature disclosure of potential candidates and their qualifications, as well as the discussions by the committee, could significantly frustrate NIH's ability to recruit these individuals and the consideration of personnel qualifications, performance, and the competence of individuals as candidates would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: NIH Clinical Center Research Hospital Board.

Date: July 14, 2017.

Open: 9:00 a.m. to 3:15 p.m.

Agenda: Clinical Protocol Prioritization; Patient Safety Tracking; AAHRP 5 Year Accreditation Process; Bioethics; Report on CC Focus Groups.

Place: National Institutes of Health, Building 31, 6th Floor, Conference Room 6C6, 31 Center Drive, Bethesda, MD 20892.

Closed: 3:30 p.m. to 5:00 p.m.

Agenda: Identification of Candidates for Leadership Role.

Place: National Institutes of Health, Building 31, 6th Floor, Conference Room 6C6, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Gretchen Wood, Staff Assistant, National Institutes of Health, Office of the Director, One Center Drive,, Building 1, Room 126, Bethesda, MD 20892, 301–496–4272, *woodgs@od.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Dated: June 23, 2017.

Anna Snouffer

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–13573 Filed 6–27–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Immune Disfunctions and Pathologies.

Date: July 20, 2017.

Time: 1:00 a.m. to 2:00 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: David B. Winter, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812, Bethesda, MD 20892, 301–435–1152, *dwinter@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Virology.

Date: July 25, 2017.

Time: 10:00 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.

Contact Person: Neerja Kaushik-Basu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, (301)435–2306, *kaushikbasun@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Bioengineering Sciences.

Date: July 25, 2017.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Craig Giroux, Ph.D., Scientific Review Officer, BST IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5150, Bethesda, MD 20892, 301–435–2204, *girouxcn@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: GPCR and drugs of addiction.

Date: July 25, 2017.

Time: 1:00 p.m. to 3:30 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: Carol Hamelink, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7850, Bethesda, MD 20892, (301) 213–9887, *hamelinc@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 22, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–13465 Filed 6–27–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; 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 Child Health and Human Development Special Emphasis Panel; Integrative Research in Gynecology Health.

Date: July 21, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Dennis E. Leszczynski, Ph.D., Scientific Review, Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6710B Rockledge Drive, Bethesda, MD, (301) 435–6884, *leszczyd@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; NICHD Special Emphasis Panel.

Date: August 1, 2017.

Time: 9:30 a.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6710B Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Minki Chatterji, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6710B Rockledge Drive, Bethesda, MD, 301.827.5435, *minki.chatterji@nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Limb Loss and Preservation Registry.

Date: August 8, 2017.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6710B Rockledge Drive, Bethesda, MD 20892.

Contact Person: Sathasiva B. Kandasamy, Ph.D., Scientific Review Administrator,

Division of Scientific Review, National Institute of Child Health and Human Development, 6710B Rockledge Drive, Bethesda, MD, (301) 435–6680, *skandasa@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: June 22, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–13468 Filed 6–27–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed 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 Heart, Lung, and Blood Institute Special Emphasis Panel; Training for Institutions that Promote Diversity (T32).

Date: July 21, 2017.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Tony L. Creazzo, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892–7924, 301–827–7913, *creazzotl@mail.nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Short-Term Institutional Training (T35).

Date: July 21, 2017.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Tony L. Creazzo, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892–7924, 301–827–7913, *creazzotl@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: June 22, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–13467 Filed 6–27–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2016–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of September 29, 2017 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: May 24, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Non-watershed-based studies:

Community	Community map repository address
Santa Cruz County, California and Incorporated Areas	
Docket No.: FEMA–B–1557	
City of Capitola	City Hall, 420 Capitola Avenue, Capitola, CA 95010.
City of Santa Cruz	City Hall, Planning Department: Permits, Building, Zoning, 809 Center Street, Room 206, Santa Cruz, CA 95060.
Unincorporated Areas of Santa Cruz County	County of Santa Cruz, Planning Department, 701 Ocean Street, 4th Floor, Santa Cruz, CA 95060.
Hawaii County, Hawaii	
Docket No.: FEMA-B–1553	
Hawaii County	Department of Public Works, Engineering Division, Aupuni Center, 101 Pauahi Street, Suite 7, Hilo, HI 96720; and Department of Public Works, Engineering Division, 74–5044 Ane Keohokalole Highway, Building D, 1st Floor, Kailua-Kona, HI 96740.
Kittson County, Minnesota and Incorporated Areas	
Docket No.: FEMA–B–1281	
City of Hallock	City Hall, 163 South 3rd Street, Hallock, MN 56728.
City of Humboldt	City Hall, 204 Ramsey Street, Humboldt, MN 56731.
City of Kennedy	City Office, 414 North Atlantic Avenue, Kennedy, MN 56733.
City of Lake Bronson	City Hall, 112 Main Street, Lake Bronson, MN 56734.
City of Lancaster	City Clerk Office, 100 2nd Street West, Lancaster, MN 56735.
City of St. Vincent	City Clerk, 421 Pacific Avenue, St. Vincent, MN 56755.
Unincorporated Areas of Kittson County	Kittson County Courthouse, 410 5th Street South, Suite 104, Hallock, MN 56728.

[FR Doc. 2017–13482 Filed 6–27–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4317–DR; Docket ID FEMA–2017–0001]

Missouri; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Missouri (FEMA–4317–DR), dated June 2, 2017, and related determinations.

DATES: Effective Date: June 2, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated June 2, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Missouri resulting from severe storms, tornadoes, straight-line winds, and flooding during the period of April 28 to May 11, 2017, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Missouri.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Michael L. Parker, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Missouri have been designated as adversely affected by this major disaster:

Bollinger, Butler, Carter, Douglas, Dunklin, Franklin, Gasconade, Howell, Jasper, Jefferson, Madison, Maries, McDonald, Newton, Oregon, Osage, Ozark, Pemiscot, Phelps, Pulaski, Reynolds, Ripley, Shannon, St. Louis, Stone, Taney, and Texas Counties for Individual Assistance.

Barry, Barton, Bollinger, Butler, Camden, Carter, Cedar, Christian, Cole, Crawford, Dade, Dallas, Dent, Douglas, Dunklin, Franklin, Gasconade, Howell, Iron, Jefferson, Lawrence, Madison, Maries, McDonald, Miller, Morgan, Newton, Oregon, Osage, Ozark, Perry, Phelps, Pike, Pulaski, Ralls, Reynolds, Ripley, Shannon, St. Louis, Stone, Taney, Texas, Washington, Wayne, Webster, and Wright Counties for Public Assistance.

All areas within the State of Missouri are eligible for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–13481 Filed 6–27–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2017–0010; OMB No. 1660–0047]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Request for Federal Assistance Form—How To Process Mission Assignments in Federal Disaster Operations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for reinstatement and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The reinstatement submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before July 28, 2017.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Patricia Pritchett, Program Specialist, Response Directorate, Operations Division, National Response Coordination Center, Federal Emergency Management Agency, (202) 646–3411.

SUPPLEMENTARY INFORMATION: This information collection previously published in the **Federal Register** on March 29, 2017, at 82 FR 15531, with a 60 day comment period. No comments were received. This information collection expired on May 31, 2017. FEMA is requesting a reinstatement of the collection with change. The changes include an increase in annual burden hours due to the addition of new FEMA Form 010–0–8A, Mission Assignment Task Order. The purpose of this notice is to inform the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for reinstatement and clearance.

Collection of Information

Title: Request for Federal Assistance Form—How to Process Mission Assignments in Federal Disaster Operations.

Type of Information Collection: Reinstatement, with change, of a previously approved information collection for which approval has expired.

OMB Number: 1660–0047.

Form Titles and Numbers: FEMA Form 010–0–7, Resource Request Form; FEMA Form 010–0–8, Mission Assignment; FEMA Form 010–0–8A, Mission Assignment Task Order.

Abstract: If a State determines that its capacity to respond to a disaster exceeds its available resources, it may submit to FEMA a request that the work be accomplished by a Federal agency. This request documents how the response requirements exceed the capacity for the State to respond to the situation on its own and what type of assistance is required. FEMA reviews this information and may issue a mission assignment to the appropriate Federal agency to assist the State in its response to the situation.

Affected Public: State, local or Tribal Government.

Number of Respondents: 10.

Estimated Total Annual Burden Hours: 6,559 hours.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $446,144. There are no annual costs to respondents operations and maintenance costs for technical services. There are no annual start-up or capital costs. The cost to the Federal Government is $28,309.27.

Dated: June 22, 2017.

Richard Mattison,

Records Management Program Chief, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2017–13558 Filed 6–27–17; 8:45 am]

BILLING CODE 9110–24–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2017–0035]

The President's National Security Telecommunications Advisory Committee

AGENCY: Department of Homeland Security.

ACTION: Committee Management; Notice of Federal Advisory Committee Meeting.

SUMMARY: The President's National Security Telecommunications Advisory Committee (NSTAC) will meet via teleconference on Friday, July 14, 2017. The meeting will be open to the public.

DATES: The NSTAC will meet on Friday, July 14, 2017, from 1:30 p.m. to 2:30 p.m. Eastern Daylight Time (EDT). Please note that the meeting may close early if the committee has completed its business.

ADDRESSES: The meeting will be held via conference call. For access to the conference call bridge, information on services for individuals with disabilities, or to request special assistance to attend, please email *NSTAC@hq.dhs.gov* by 5:00 p.m. EST on Thursday, July 13, 2017. Individuals who experience technical difficulties during the call should contact the NSTAC Designated Federal Officer at *NSTAC@hq.dhs.gov.*

Members of the public are invited to provide comment on the issues that will be considered by the committee as listed in the **SUPPLEMENTARY INFORMATION** section below. Associated briefing materials that participants may discuss during the meeting will be available at *www.dhs.gov/nstac* for review as of Monday, July 3, 2017. Comments may be submitted at any time and must be identified by docket number DHS–2017–0035. Comments may be submitted by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Please follow the instructions for submitting written comments.

• *Email: NSTAC@hq.dhs.gov.* Include the docket number DHS–2017–0035 in the subject line of the email.

• *Fax:* (703) 705–6190, ATTN: Sandy Benevides.

• *Mail:* Designated Federal Officer, Stakeholder Engagement and Critical Infrastructure Resilience Division, National Protection and Programs Directorate, Department of Homeland Security, 245 Murray Lane, Mail Stop 0612, Arlington, VA 20598–0612.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *www.regulations.gov,* including any personal information provided.

Docket: For access to the docket and comments received by the NSTAC, please go to *www.regulations.gov* and enter docket number DHS–2017–0035.

A public comment period will be held during the conference call on Friday, July 14, 2017, from 2:00 p.m. to 2:15 p.m. EST. Speakers who wish to participate in the public comment period must register in advance by no later than Monday, July 10, 2017, at 5:00 p.m. EST by emailing *NSTAC@hq.dhs.gov.* Speakers are requested to limit their comments to three minutes and will speak in order of registration. Please note that the public comment period may end before the time indicated, following the last request for comments.

FOR FURTHER INFORMATION CONTACT: Helen Jackson, NSTAC Designated Federal Officer, Department of Homeland Security, (703) 705–6276 (telephone) or *helen.jackson@hq.dhs.gov* (email).

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the *Federal Advisory Committee Act,* 5 U.S.C. appendix (Pub. L. 92–463). The NSTAC advises the President on matters related to national security and emergency preparedness (NS/EP) telecommunications and cybersecurity policy.

Agenda: The NSTAC will hold a conference call on July 14, 2017, to discuss issues and challenges related to NS/EP communications. This will include discussions with senior-level Government stakeholders and a review of ongoing NSTAC work, including a deliberation and vote on the Committee's *NSTAC Report to the President on Emerging Technologies Strategic Vision* which addresses the near- and longer-term NS/EP implications of emergent and expected information and communications technologies. The NSTAC will also discuss the most recent tasking that was assigned to the committee at its meeting on May 18, 2017. The National Security Council, on behalf of the President, tasked the NSTAC to study ways in which the private sector and Government, together, can improve the resilience of the Internet and communications ecosystem. This includes identifying ways to encourage collaboration across the ecosystem to reduce the threats perpetuated by automated and distributed attacks (*e.g.,* botnets). The desired outcome of the NSTAC's study will be twofold: (1) Industry and Government will have recommendations for strengthening their partnership; and (2) concrete pathways for reducing threats from automated and distributed attacks will be identified.

Dated: June 21, 2017.

Helen Jackson,

Designated Federal Officer for the NSTAC.

[FR Doc. 2017–13462 Filed 6–27–17; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0051]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Monthly Report on Naturalization Papers

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until July 28, 2017. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *dhsdeskofficer@omb.eop.gov.* All submissions received must include the agency name and the OMB Control Number 1615–0051 in the subject line.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on April 6, 2017, at 82 FR 16847, allowing for a 60-day public comment period. USCIS did not receive comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2005–0032 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Monthly Report on Naturalization Papers.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* N–4; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* State and Local Government. Section 339 of the Immigration and Nationality Act requires that the clerk of each court that administers the oath of allegiance notify USCIS of all persons to whom the oath of allegiance for naturalization is administered, within 30 days after the close of the month in which the oath was administered. This form provides a format listing the number of those persons to USCIS and provides accountability for the delivery of the certificates of naturalization as required under that section of law.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection N–4 is 160 with an estimated 12 responses per respondent annually, and the estimated hour burden per response is 0.5 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 960 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $4,800.

Dated: June 22, 2017.

Jerry Rigdon,

Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2017–13477 Filed 6–27–17; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6035–N–01]

Notice of Regulatory Waiver Requests Granted for the First Quarter of Calendar Year 2017

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice.

SUMMARY: Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act) requires HUD to publish quarterly **Federal Register** notices of all regulatory waivers that HUD has approved. Each notice covers the quarterly period since the previous **Federal Register** notice. The purpose of this notice is to comply with the requirements of section 106 of the HUD Reform Act. This notice contains a list of regulatory waivers granted by HUD during the period beginning on January 1, 2017, and ending on March 31, 2017.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Aaron Santa Anna, Assistant General Counsel for Regulations, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500, telephone 202–708–3055 (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.

For information concerning a particular waiver that was granted and for which public notice is provided in this document, contact the person whose name and address follow the description of the waiver granted in the accompanying list of waivers that have been granted in the first quarter of calendar year 2017.

SUPPLEMENTARY INFORMATION: Section 106 of the HUD Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary or equivalent rank, and the person to whom authority to waive is delegated must also have authority to issue the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

a. Identify the project, activity, or undertaking involved;

b. Describe the nature of the provision waived and the designation of the provision;

c. Indicate the name and title of the person who granted the waiver request;

d. Describe briefly the grounds for approval of the request; and

e. State how additional information about a particular waiver may be obtained.

Section 106 of the HUD Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

This notice follows procedures provided in HUD's Statement of Policy on Waiver of Regulations and Directives issued on April 22, 1991 (56 FR 16337). In accordance with those procedures and with the requirements of section 106 of the HUD Reform Act, waivers of regulations are granted by the Assistant Secretary with jurisdiction over the regulations for which a waiver was requested. In those cases in which a General Deputy Assistant Secretary granted the waiver, the General Deputy Assistant Secretary was serving in the absence of the Assistant Secretary in accordance with the office's Order of Succession.

This notice covers waivers of regulations granted by HUD from January 1, 2017 through March 31, 2017. For ease of reference, the waivers granted by HUD are listed by HUD program office (for example, the Office of Community Planning and Development, the Office of Fair Housing and Equal Opportunity, the Office of Housing, and the Office of Public and Indian Housing, etc.). Within each program office grouping, the waivers are listed sequentially by the regulatory section of title 24 of the Code of Federal Regulations (CFR) that is being waived. For example, a waiver of a provision in 24 CFR part 58 would be listed before a waiver of a provision in 24 CFR part 570.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement that appears in 24 CFR and that is being waived. For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.

Waiver of regulations that involve the same initial regulatory citation are in

time sequence beginning with the earliest-dated regulatory waiver.

Should HUD receive additional information about waivers granted during the period covered by this report (the first quarter of calendar year 2017) before the next report is published (the second quarter of calendar year 2017), HUD will include any additional waivers granted for the first quarter in the next report.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

Dated: June 23, 2017.

Ariel Pereira,

Associate General Counsel for Legislation and Regulations.

Appendix

Listing of Waivers of Regulatory Requirements Granted by Offices of the Department of Housing and Urban Development January 1, 2017 Through March 31, 2017

Note to Reader: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly after each set of regulatory waivers granted.

The regulatory waivers granted appear in the following order:

I. Regulatory waivers granted by the Office of Community Planning and Development.

II. Regulatory waivers granted by the Office of Housing.

III. Regulatory waivers granted by the Office of Public and Indian Housing.

I. Regulatory Waivers Granted by the Office of Community Planning and Development

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR 92.2.

Project/Activity: The City of Gainesville, Florida requested a waiver of 24 CFR 92.2 paragraph (3)(iv), which states that officers or employees of a government entity may not be officers or employees of a community housing development organization (CHDO). The City requested this waiver to permit the Mayor of the City of Archer, Mr. Corey Harris, Florida to act as the Executive Director of the City of Gainesville's only CHDO.

Nature of Requirement: Paragraph (3)(iv) of the definition of a CHDO in the HOME regulations at 24 CFR 92.2 prohibits an employee of a governmental entity from serving as an employee of a CHDO. This provision ensures that there is no conflict of interest between a participating jurisdiction and a CHDO that received HOME funding from the participating jurisdiction. The provision also guarantees that a CHDO is indeed a community-based and community controlled organization.

Granted By: Harriet Tregoning, Principal Deputy Assistant Secretary, D.

Date Granted: January 10, 2017.

Reason Waived: Mr. Harris is currently the Mayor of Archer Florida; a City within Alachua County and a wholly separate and non-contiguous entity from the City of Gainesville. Mr. Harris is also the Executive Director of NHDC; the only designated CHDO in the City of Gainesville. The City of Gainesville does not expend HOME funds outside of the City's limits, including the City of Archer. Further, Mr. Harris, as the Mayor of the City of Archer and as the Executive Director of NHDC, has no official decision-making authority or influence in the City of Gainesville's funding decision's. The City stated that NHDC is the only viable CHDO within the City of Gainesville's jurisdiction, and the exclusion of NHDC as its CHDO would create hardship. The waiver permitted Mr. Harris to remain in both position and enabled the City of Gainesville to retain its only CHDO.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7164, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 92.252(d)(1).

Project/Activity: The City of Daly, California requested a waiver of 24 CFR 92.252(d)(1), which requires a participating jurisdiction to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. The City requested this waiver to allow use of utility allowance established by local public housing agency (PHA) for a HOME-assisted project under construction—Sweeny Lane Apartments.

Nature of Requirement: The regulation at 24 CFR 92.252(d)(1) requires participating jurisdictions to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. Participating jurisdictions must use the HUD Utility Schedule Model or otherwise determine the utility allowance for the project based on the type of utilities used at the project. Consequently, participating jurisdictions are no longer permitted to use the utility allowance established by the local PHA for HOME-assisted rental projects for which HOME funds were committed on or after August 23, 2013.

Granted By: Harriet Tregoning, Principal Deputy Assistant Secretary, D.

Date Granted: January 19, 2017.

Reason Waived: The HOME requirements for establishing a utility allowances conflict with Project Based Voucher program requirements. Consequently, it is not possible to use two different utility allowances to set the rent for a single unit and it is administratively burdensome to require a project owner establish and implement different utility allowances for HOME-assisted units and non-HOME assisted units in a project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7164, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 92.252(d)(1).

Project/Activity: The City of Sacramento, California requested a waiver of 24 CFR 92. 92.252(d)(1), which requires a participating jurisdiction to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. The City requested this waiver to allow use of the utility allowance established by the local public housing agency (PHA) for two existing HOME projects—Sierra Vista Apartments and Washington Plaza Apartments.

Nature of Requirement: The regulation at 24 CFR 92.252(d)(1) requires a participating jurisdiction to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. Participating jurisdictions must use the HUD Utility Schedule Model or otherwise determine the utility allowance for the project based on the type of utilities used at the project. Consequently, participating jurisdictions are no longer permitted to use the utility allowance established by the local PHA for HOME-assisted rental projects for which HOME funds were committed on or after August 23, 2013.

Granted By: Harriet Tregoning, Principal Deputy Assistant Secretary, D.

Date Granted: January 19, 2017.

Reason Waived: HUD acknowledges that the HOME requirements for establishing a utility allowance conflict with Project Based Voucher program requirements. In addition, HUD recognizes that it is not possible to use two different utility allowance to set the rent for a single unit and it is administratively burdensome to require a project owner establish and implement different utility allowance for HOME-assisted units and non-HOME assisted units in a project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7164, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 92.252(d)(1).

Project/Activity: The county of San Mateo, California requested a waiver of 24 CFR 92. 92.252(d)(1), which requires a participating jurisdiction to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. The county requested this waiver to allow use of utility allowance established by local public housing agency (PHA) for a HOME project under construction—Sweeny Lane Apartments.

Nature of Requirement: The regulation at 24 CFR 92.252(d)(1) requires participating jurisdictions to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. A participating jurisdiction must use the HUD Utility Schedule Model or otherwise determine the utility allowance for the project based on the type of utilities used at the project. Consequently, participating jurisdictions are no longer permitted to use the utility

allowance established by the local PHA for HOME-assisted rental projects for which HOME funds were committed on or after August 23, 2013.

Granted By: Harriet Tregoning, Principal Deputy Assistant Secretary, D.

Date Granted: January 19, 2017.

Reason Waived: HUD acknowledges that the HOME requirements for establishing a utility allowance conflict with Project Based Voucher program requirements. In addition, HUD recognizes that it is not possible to use two different utility allowances to set the rent for a single unit and it is administratively burdensome to require a project owner establish and implement different utility allowances for HOME-assisted units and non-HOME assisted units in a project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7164, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 92.252(d)(1).

Project/Activity: The Hennepin County Consortium requested a waiver of 24 CFR 92. 92.252(d)(1), which requires a participating jurisdiction to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. The consortium requests this waiver to allow use the utility allowance established by the local Metropolitan Council Housing Authority for Indian Knoll Manor, a HOME-assisted rental project.

Nature of Requirement: The regulation at 24 CFR 92.252(d)(1) requires participating jurisdictions to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. A participating jurisdiction must use the HUD Utility Schedule Model or otherwise determine the utility allowance for the project based on the type of utilities used at the project. Consequently, participating jurisdictions are no longer permitted to use the utility allowance established by the local public housing agency (PHA) for HOME-assisted rental projects for which HOME funds were committed on or after August 23, 2013.

Granted By: Cliff Taffet, General Deputy Assistant Secretary, D.

Date Granted: February 13, 2017.

Reason Waived: HUD acknowledges that the HOME requirements for establishing a utility allowance conflict with Project Based Voucher program requirements. In addition, HUD recognizes that it is not possible to use two different utility allowances to set the rent for a single unit and it is administratively burdensome to require a project owner establish and implement different utility allowances for HOME-assisted units and non-HOME assisted units in a project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7164, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 92.500(d)(1)(C).

Project/Activity: The City of New Orleans, Louisiana, requested that HUD waive the HOME program expenditure requirement at 24 CFR 92.500(d)(1)(C). The City requests this waiver to provide additional time to expend HOME funds that the City committed to fill funding gaps in multiple phases of its Choice Neighborhoods Initiative grant. Currently, Phases V and VI of the Choice Neighborhoods Initiative project and one other multi-family redevelopment project adjacent to the CNI project have a funding gap of approximately $4 million dollars.

Nature of Requirement: This provision requires that a participating jurisdiction expend its annual allocation of HOME funds within five years after HUD notifies the participating jurisdiction that HUD has executed the jurisdiction's HOME Investment Partnerships Agreement.

Granted By: Harriet Tregoning, Principal Deputy Assistant Secretary, D.

Date Granted: January 9, 2017.

Reason Waived: As of October 31, 2016, the City had an expenditure shortfall of $3,123,850. The deobligation of $3,123,850 of HOME funds would create an undue hardship by jeopardizing the completion of the Choice Neighborhoods Initiative project and limiting the number of one-for-one replacement units. The City has presented an aggressive plan to improve its HOME performance by using HOME funds to close funding gaps in the Choice Neighborhoods Initiative projects and has shown progress in increasing its HOME expenditure rate in recent months.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7164, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 570.209(b)(3)(i)(A).

Project/Activity: City of Atlanta, Georgia—Atlanta Lettuce Project.

Nature of Requirement: 24 CFR 570.209(b) establishes guidelines to evaluate whether certain activities will demonstrate a minimum level of public benefit. Activities covered by these guidelines must either create or retain full-time equivalent, permanent jobs or provide goods or services to low- and moderate-income persons residing in areas served by the businesses assisted by the covered activities. If the public benefit is based on jobs created or retained, 24 CFR 570.209(b)(3)(i)(A) provides that any covered activity is ineligible for Community Development Block Grant (CDBG) assistance if the amount of CDBG assistance exceeds $50,000 per full-time equivalent, permanent job created or retained.

Granted By: Harriet Tregoning, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: January 12, 2017.

Reason Waived: HUD waived the regulation because the city provided information on other public benefits, beyond the creation of jobs, that would be generated by the project and accrue to future employees as well as residents of the immediate neighborhood and the larger Atlanta community. These benefits include the following: The project will be located in an area designated and prioritized by the city for redevelopment in recent years; the median household income for the area is $19,168, compared with the median household income for the city of $52,082; the project will be located in an area with a poverty rate greater than 40 percent; the project will turn a three-acre vacant brownfield into a viable business; the project will partner with a community development corporation to provide excess produce from the project to local residents unable to afford such produce in grocery stores; the project, with help from local partners, will provide wrap-around services to assist employees with own and with life skills training, financial literacy, tax assistance, and other services; employees of the project will own shares in the project and will be incentived through bonuses based on production and sales, both of which will enable employees to build assets and wealth over time; the project will donate excess produce to the Atlanta Community Food Bank; the project will partner with Food Well Alliance, a local non-profit organization to provide produce to local farmers' markets with customers who use Supplemental Nutrition Assistance Program (SNAP) and Women, Infants, and Children (WIC) benefits.

Contact: Paul Webster, Director, Financial Management Division; Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW., Room 7178, Washington, DC 20410, telephone (202) 402–4563.

• *Regulation:* 24 CFR 570.208(a)(3).

Project/Activity: City of Texarkana, Texas—Hotel Grim Lofts Project.

Nature of Requirement: 24 CFR 570.208(a)(3) provides national objective criteria for an eligible activity carried out for the purpose of providing or improving permanent residential structures which, upon completion, will be occupied by low- and moderate-income households. If the structure contains two dwelling units, at least one must be so occupied, and if the structure contains more than two dwelling units, at least 51 percent of the units must be so occupied.

Granted By: Harriet Tregoning, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: January 3, 2017.

Reason Waived: HUD waived the regulation because disapproval of the waiver would have resulted in an undue hardship and adversely affected the purposes of the Housing and Community Development Act of 1974, as amended. Requiring 51 percent of the units to be occupied by LMI persons would have reduced the conventional debt financing available for the project by $1.1 million, a funding gap for which the city would not have been able to find another source. Therefore, the project could not be completed and would not create any affordable housing units. Additionally, the project will assist the city in its efforts to meet its community and economic development objectives as outlined in its 2013–2017 Consolidated Plan and 2016 Annual Action Plan, which identified the downtown area as an area with a high

percentage of low-and moderate-persons and very few affordable housing opportunities and recommended the development of housing units within mixed-use properties to meet this need. Additionally, this building has been vacant for almost thirty years and its redevelopment will serve as a catalyst for revitalization efforts in the city's downtown.

HUD granted the waiver with the following mandatory conditions: (1) The city must provide written notification to the Fort Worth Regional Office of its adoption and publication of its standards for determining affordable rents; (2) the city must require the project developer to record a use restriction against the project property that will impose a ten-year affordability requirement, requiring at least 20 percent of the units to be occupied by LMI households; (3) the city will conduct annual, on-site monitoring to verify compliance with the conditions for the duration of the affordability period; (4) the city will provide HUD Financial Management Division and the Regional Office a status report not later than 15 days from the end of each quarter during the construction and lease-up period, and through the affordability period if required by the Regional Office, that includes updates on construction completion, Section 108 funds disbursement, initial occupancy of LMI units, and any other information as required by the Regional Office. The actions required under conditions (1) and (2) must be completed prior to HUD's guarantee of a note or other obligation pursuant to the loan guarantee commitment for the project.

Contact: Paul Webster, Director, Financial Management Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW., Room 7178, Washington, DC 20410, telephone (202) 402–4563.

• *Regulation:* 24 CFR 578.3 and 24 CFR 578.51(l)(1).

Project/Activity: Multnomah County, OR—Home Forward.

Nature of Requirement: ''24 CFR 578.3 defines permanent housing as housing where the program participant is the tenant on a lease for a term of at least one year, which is renewable for terms that are a minimum of one month long. Provisions at 24 CFR 578.51(l)(1) of the Continuum of Care (CoC) Program interim rule states: For project-based, sponsor-based, or tenant-based rental assistance, program participants must enter into a lease agreement for a term of at least one year, which is terminable for cause.''

Granted By: Harriet Tregoning, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: January 17, 2017.

Reason Waived: Many landlords in Multnomah County, OR offer month to month lease terms as opposed to full year leases and the county has an extremely low vacancy rate. Because of the tight rental market, Home Forward is finding it increasingly difficult to identify landlords willing to alter their policies regarding length of lease terms when considering permanent supportive housing applicants.

Contact: Renee Ryles, Director, Office of Field Management, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th St. SW., Room 7152, Washington, DC 20410, telephone (202) 402–4609.

• *Regulation:* 24 CFR 576.106(d).

Project/Activity: The State of Tennessee—Tennessee Housing Development Agency.

Nature of Requirement: Under 24 CFR 576.106(d)(1), ESG rental assistance cannot be provided unless the rent is equal to or less than the FMR established by HUD.

Granted By: Clifford Taffet, General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 16, 2017.

Reason Waived: HUD has determined that the rental vacancy rate in Tennessee after the wildfires is extraordinarily low. Waiving the FMR for Rapid Re-housing under ESG will make more units available to individuals and families in need of permanent housing.

Contact: Mary C. Wilson, Director, Office of Community Planning and Development, Department of Housing and Urban Development, 710 Locust Street SW., Suite 300 Knoxville, TN 37902.

• *Regulation:* 24 CFR 576.106(d).

Project/Activity: The State of Oregon—Oregon Housing and Community Services.

Nature of Requirement: Under 24 CFR 576.106(d)(1), ESG rental assistance cannot be provided unless the rent is equal to or less than the FMR established by HUD.

Granted By: Clifford Taffet, General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 1, 2017.

Reason Waived: High rental costs and low vacancy rates result in a shortage of affordable housing units. Allowing ESG rental assistance funds to be used for units with rents up to the payment standard adopted by the local PHA will increase housing options.

Contact: Renee Ryles, Director, Office of Field Management, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th St. SW., Room 7152, Washington, DC 20410, telephone (202) 402–4609.

II. Regulatory Waivers Granted by the Office of Housing—Federal Housing Administration (FHA)

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR 232.7.

Project/Activity: The Stratford at Beyer Park (Stratford) is a memory care facility. The facility does not meet the requirements of 24 CFR 232.7 ''Bathroom'' of FHA's regulations. The project is located in Modesto, CA.

Nature of Requirement: The regulation mandates in a board and care home or assisted living facility that the not less than one full bathroom must be provided for every four residents. Also, the bathroom cannot be accessed from a public corridor or area.

Granted By: Genger M. Charles, General Deputy Assistant Secretary for Housing.

Date Granted: February 17, 2017.

Reason Waived: The project is for memory care, all rooms have half-bathrooms and the resident to full bathroom ratio is 7:1. The project meets the State of California's Licensing requirements at least one bathtub or shower for each ten residents.

Contact: Vance T. Morris, Operations Manager, Office of Healthcare Programs, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 2337, Washington, DC 20401, telephone (202) 402–2419.

• *Regulation:* 24 CFR 242.58(b)(ii) and 24 CFR 242.58(b)(iv). Project/Activity: New York Presbyterian Hospital, FHA Project Number 012–10044, New York, NY. The Borrower has requested an extension of the quarterly and annual deadlines to submit financial statements to HUD.

Nature of Requirement: 24 CFR 242.58(b)(ii) states that, with regard to financial reporting requirements for hospitals with FHA-insured loans, quarterly unaudited financial reports must be filed with HUD within 40 days following the end of each quarter of the mortgagor's fiscal year. 24 CFR 242.58(b)(iv) states that, also with regard to financial reporting requirements for hospitals with FHA-insured loans, board-certified annual financial results must be filed with HUD within 120 days following the close of the fiscal year (if the annual audited financial statement has not yet been filed with HUD).

Granted by: Genger Charles, Principal Deputy Assistant Secretary for Housing H.

Reason Waived: The Borrower requested and was granted waivers of these HUD requirements governing financial reporting. 24 CFR 242.58(b)(ii) was waived in order to allow the Borrower to submit quarterly unaudited financial reports to HUD up to 60 days following the end of each quarter of the mortgagor's fiscal year. CFR 242.58(b)(iv) was waived in order to allow NYP to submit board-certified annual financial results to HUD up to 150 days following the close of the fiscal year (if the annual audited financial statement has not yet been filed with HUD). The Borrower is a very complex organization, including multiple hospital entities and campuses, 2,600 beds, over 6,500 affiliated physicians. The extension of reporting requirements will allow the Borrower sufficient time to coordinate its financial reports among its numerous operating entities, and will align reporting requirements with its other taxable bond issues.

Contact: Vance T. Morris, Operations Manager, Office of Healthcare Programs, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 2337, Washington, DC 20401, telephone (202) 402–2419.

• *Regulation:* 24 CFR 266.200(b)(2).

Project/Activity: Federal Financing Bank (FFB) Risk Sharing Initiative, Substantial Rehabilitation, Massachusetts Housing Partnership (MHP). Waivers of certain provisions of the Risk Sharing Program regulations for an additional 15 projects for a total of 20 projects utilizing the Federal Financing Bank (FFB) Risk Sharing Initiative in calendar year 2017.

Nature of Requirement: The 24 CFR part 266.200(b)(2) Substantial Rehabilitation. The Department will permit the revised definition of substantial rehabilitation (S/R) in the revised MAP Guide published on January 29, 2016, such that S/R is: Any scope of work

that either: (a) Exceeds in aggregate cost a sum equal to the 'base per dwelling unit limit' times the applicable High Cost Factor, or (b) Replacement of two or more building systems. 'Replacement' is when the cost of replacement work exceeds 50 percent of the cost of replacing the entire system. The base limit is revised to $15,000 per unit for 2015, and will be adjusted annually based on the percentage change published by the Consumer Financial Protection Bureau, or other inflation cost index published by HUD.

Granted By: Gender Charles, Principal Deputy Assistant Secretary for Housing, H.

Date Granted: March 31, 2017.

Reason Waived: Necessary to effectuate the Federal Financing Bank (FFB) Risk Sharing Initiative between Housing and Urban Development and the Treasury Department/FFB announced in Fiscal Year 2014. The approval and execution of the FFB Risk Sharing Agreement will facilitate the expansion of the program to increase the supply of affordable rental housing and to assist in the preservation of existing of rental housing. Under this Initiative, FFB provides capital to participating Housing Finance Agencies (HFAs) to make multifamily loans insured under the FHA Multifamily Risk Sharing Program.

Contact: Daniel J. Sullivan, Acting Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6134, Washington, DC 20410, telephone (202) 402–6130.

• *Regulation:* 24 CFR 266.200(c)(2).

Project/Activity: Federal Financing Bank (FFB) Risk Sharing Initiative, Equity Take-Outs. Massachusetts Housing Partnership (MHP). Waivers of certain provisions of the Risk Sharing Program regulations for an additional 15 projects for a total of 20 projects utilizing the Federal Financing Bank (FFB) Risk Sharing Initiative in calendar year 2017.

Nature of Requirement: Equity take-outs for existing projects (refinance transactions): Permit the insured mortgage to exceed the sum of the total cost of acquisition, cost of financing, cost of repairs, and reasonable transaction costs or ''equity take-outs'' in refinances of HFA-financed projects and those outside of HFA's portfolio if the result is preservation with the following conditions:

1. Occupancy is no less than 93% for previous 12 months;

2. No defaults in the last 12 months of the HFA loan to be refinanced;

3. A 20-year affordable housing deed restriction placed on title that conforms to the 542(c)-statutory definition;

4. A Property Capital Needs Assessment (PCNA) must be performed and funds escrowed for all necessary repairs, and reserves funded for future capital needs; and

5. For projects subsidized by Section 8 Housing Assistance Payment (HAP) contracts:

a. Owner agrees to renew HAP contract(s) for 20-year term, (subject to appropriations and statutory authorization, etc.,), and

b. In accordance with regulations found in 24 CFR 883.306(e), and Housing Notice 2012–14—Use of ''New Regulation'' Section 8 Housing Assistance Payments (HAP) Contracts Residual Receipts of Offset Project-Based Section 8 Housing Assistance Payments, if at any time MHP determines that a project's excess funds (surplus cash) after project operations, reserve requirements and permitted distributions are met, MHP must place the excess funds into a separate interest-bearing account. Upon renewal of a HAP Contract the excess funds can be used to reduce future HAP payments or other project operations/purposes. When the HAP Contract expires, is terminated, or any extensions are terminated, any unused funds remaining in the Residual Receipt Account at the time of the contract's termination must be returned to HUD.

Granted By: Gender Charles, Principal Deputy Assistant Secretary for Housing.

Date Granted: March 31, 2017.

Reason Waived: Necessary to effectuate the Federal Financing Bank (FFB) Risk Sharing Initiative between Housing and Urban Development and the Treasury Department/FFB announced in Fiscal Year 2014. The approval and execution of the FFB Risk Sharing Agreement will facilitate the expansion of the program to increase the supply of affordable rental housing and to assist in the preservation of existing of rental housing. Under this Initiative, FFB provides capital to participating Housing Finance Agencies (HFAs) to make multifamily loans insured under the FHA Multifamily Risk Sharing Program.

Contact: Daniel J. Sullivan, Acting Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6134, Washington, DC 20410, telephone (202) 402–6130.

• *Regulation:* 24 CFR 266.200(d).

Project/Activity: Federal Financing Bank (FFB) Risk Sharing Initiative, Substantial Rehabilitation, Massachusetts Housing Partnership (MHP). Waivers of certain provisions of the Risk Sharing Program regulations for an additional 15 projects for a total of 20 projects utilizing the Federal Financing Bank (FFB) Risk Sharing Initiative in calendar year 2017.

Nature of Requirements: The 24 CFR part 266.200(d) Underwrite Section 8 Rents. Projects receiving section 8 rental subsidies or other rental subsidies. For refinancing of Section 202 projects, and for Public Housing Authority (PHA) projects converting to Section 8 through the Rental Assistance Demonstration (RAD) Initiative, the Department will permit MHP to underwrite the financing using current or to be adjusted project-based Section 8 assisted rents, even though they exceed the market rates. This is consistent with HUD Housing Notice 04–214, ''Amendments to Notice 02–16: Underwriting Guidelines for Refinancing of Section 202, and Section 202/8 Direct Loan Repayments'', which grants authority only to those lenders refinancing with mortgage programs under the National Housing Act.

Granted By: Genger Charles, Principal Deputy Assistant Secretary for Housing.

Date Granted: March 31, 2017.

Reason Waived: Necessary to effectuate the Federal Financing Bank (FFB) Risk Sharing Initiative between Housing and Urban Development and the Treasury Department/FFB announced in Fiscal Year 2014. The approval and execution of the FFB Risk Sharing Agreement will facilitate the expansion of the program to increase the supply of affordable rental housing and to assist in the preservation of existing of rental housing. Under this Initiative, FFB provides capital to participating Housing Finance Agencies (HFAs) to make multifamily loans insured under the FHA Multifamily Risk Sharing Program.

Contact: Daniel J. Sullivan, Acting Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6134, Washington, DC 20410, telephone (202) 402–6130.

• *Regulation:* 24 CFR 266.620(e).

Project/Activity: Federal Financing Bank (FFB) Risk Sharing Initiative, Termination of Mortgage Insurance. Massachusetts Housing Partnership (MHP). Waivers of certain provisions of the Risk Sharing Program regulations for an additional 15 projects for a total of 20 projects utilizing the Federal Financing Bank (FFB) Risk Sharing Initiative in calendar year 2017.

Nature of Requirement: The 24 CFR part 266.620(e) Termination of Mortgage Insurance. As required by the Initiative, Massachusetts Housing Partnership (MHP) agrees to indemnify HUD for all amounts paid to FFB if ''the HFA or its successors commit fraud, or make a material misrepresentation to the Commissioner with respect to information culminating in the Contract of Insurance on the mortgage, or while the Contract of Insurance is in existence.''

Granted by: Genger Charles, Principal Deputy Assistant Secretary for Housing.

Date Granted: March 31, 2017.

Reason Waived: Necessary to effectuate the Federal Financing Bank (FFB) Risk Sharing Initiative between Housing and Urban Development and the Treasury Department/FFB announced in Fiscal Year 2014. The approval and execution of the FFB Risk Sharing Agreement will facilitate the expansion of the program to increase the supply of affordable rental housing and to assist in the preservation of existing of rental housing. Under this Initiative, FFB provides capital to participating Housing Finance Agencies (HFAs) to make multifamily loans insured under the FHA Multifamily Risk Sharing Program.

Contact: Daniel J. Sullivan, Acting Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6134, Washington, DC 20410, telephone (202) 402–6130.

III. Regulatory Waivers Granted by the Office of Public and Indian Housing

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR 5.801 and 24 CFR 902 (FEMA–4277–DR–LA).

Project/Activity: Housing Authority of the City of Denham Springs (LA101).

Nature of Requirement: The regulation establishes certain reporting compliance

dates. The audited financial statements are required to be submitted to the Real Estate Assessment Center (REAC) no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A–133.

Granted By: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 13, 2017.

Reason Waived: Housing Authority of the City of Denham Springs requested relief of financial condition scoring and its financial reporting requirements for the fiscal year end (FYE) of September 30, 2016. The HA's records and building contents were all destroyed during the storm disaster of October 2016. Therefore, the HA was approved until March 31, 2017, to submit its unaudited financial statements. Also, the HA was approved until January 31, 2018, to submit its audited financial statements to HUD, which only permits the extension for filing. The FASS audited financial submission extension does not apply to Single Audit submissions to the Federal Audit Clearinghouse; the HA is required to meet the Single Audit due date.

Contact: Dee Ann R. Walker, Acting Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW., Suite 100, Washington, DC 20410, telephone (202) 475–7908.

• *Regulation:* 24 CFR 5.801 and 24 CFR 902.33(c).

Project/Activity: Louisiana Housing Authority (LA903).

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted to the Real Estate Assessment Center (REAC) no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A–133.

Granted By: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 9, 2017.

Reason Waived: Louisiana Housing Authority (HA), a Section 8-only agency, requested relief of financial condition scoring and its financial reporting requirements for the fiscal year end (FYE) of December 31, 2016. The HA requested relief for redirecting agency resources to permit assistance to families that were affected by the severe storm and flooding during the 2016 storm disaster. Therefore, the HA was approved until June 30, 2017, to submit its unaudited financial statements. The HA has until January 31, 2018, to submit its audited financial statements to HUD, which only permits the extension for filing. The FASS audited financial submission extension does not apply to Single Audit submissions to the Federal Audit Clearinghouse; the HA is required to meet the Single Audit due date.

Contact: Dee Ann R. Walker, Acting Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW., Suite 100, Washington, DC 20410, telephone (202) 475–7908.

• *Regulation:* 24 CFR 5, 24 CFR 5.801, and 24 CFR 902.33(c).

Project/Activity: Housing Authority of the City of Lumberton (NC014).

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted to the Real Estate Assessment Center (REAC) no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A–133.

Physical inspections are required to ensure that public housing units are decent, safe, sanitary and in good repair, as determined by an inspection conducted in accordance with HUD's Uniform Physical Condition Standards (UPCS). Baseline inspections will have all properties inspected regardless of previous PHAS designation or physical inspection scores.

Granted By: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 22, 2017.

Reason Waived: Housing Authority of the City of Lumberton (HA) requested to be waived of its unaudited financial requirements for its fiscal year end (FYE) of March 30, 2017, and all physical inspection and physical condition scoring for fiscal years (FY) 2016 and FY 2017. The HA's computers, records and building contents were all destroyed during the 2016 storm disaster. Therefore, the HA was approved until September 30, 2017 to submit its unaudited financial statements for FYE March 30, 2017. Since only occupied units are inspected, a waiver of physical inspection is not required for vacant public housing units. However, physical inspections for all projects are expected to resume for the HA's FYE March 30, 2018.

Contact: Dee Ann R. Walker, Acting Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW., Suite 100, Washington, DC 20410, telephone (202) 475–7908.

• *Regulation:* 24 CFR 982.305(b)(1) and 982.305(b)(2)(i).

Project/Activity: Boone County Housing Authority (BCHA) in Columbia, Missouri, requested a waiver of 24 CFR 982.305(b)(1) and 982.305(b)(2)(i) so that HUD-Veterans Affairs Supportive Housing (VASH) units will not be required to have an in-person follow up inspection if the unit fails the initial inspection.

Nature of Requirement: These regulations state that a PHA must inspect a unit prior to initial leasing to ensure that it meets housing quality standards (HQS).

Granted By: Jemine A Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 13, 2017.

Reason Waived: Due to long distances between the PHA and its units and between units, this regulation was waived so that the BHA could use other methods (photographs, repair receipts) to determine that repairs were made to ensure the unit meets HQS.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(d).

Project/Activity: Housing Authority of the County of Salt Lake in Salt Lake City, Utah, requested a waiver of 24 CFR 982.505(d) so that it could approve an exception payment standard amount above 120 percent of the fair market rents (FMR) as a reasonable accommodation.

Nature of Requirement: 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is no more than 120 percent of the FMR for the unit size.

Granted By: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 30, 2017.

Reason Waived: This regulation was waived as a reasonable accommodation to allow a disabled participant to receive housing assistance and pay no more than 40 percent of its adjusted income toward the family share.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(d).

Project/Activity: Housing Opportunities Commission of Montgomery County (HOCMC) in Kensington, Maryland, requested a waiver of 24 CFR 982.505(d) so that it could approve an exception payment standard amount above 120 percent of the fair market rents (FMR) as a reasonable accommodation.

Nature of Requirement: 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is no more than 120 percent of the FMR for the unit size.

Granted By: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 21, 2017.

Reason Waived: This regulation was waived as a reasonable accommodation to allow a disabled participant to receive housing assistance and pay no more than 40 percent of its adjusted income toward the family share.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(d).

Project/Activity: Fairfax County Department of Housing and Community Development (FCDHC) in Alexandria, Virginia, requested a waiver of 24 CFR

982.505(d) so that it could approve an exception payment standard amount above 120 percent of the fair market rents (FMR) as a reasonable accommodation.

Nature of Requirement: 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is no more than 120 percent of the FMR for the unit size.

Granted By: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 3, 2017.

Reason Waived: This regulation was waived as a reasonable accommodation to allow a disabled participant to receive housing assistance and pay no more than 40 percent of its adjusted income toward the family share.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(d).

Project/Activity: Portage Metropolitan Housing Authority (PMHA) in Ravenna, Ohio, requested a waiver of 24 CFR 982.505(d) so that it could approve an exception payment standard amount above 120 percent of the fair market rents (FMR) as a reasonable accommodation.

Nature of Requirement: 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is no more than 120 percent of the FMR for the unit size.

Granted By: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 9, 2017.

Reason Waived: This regulation was waived as a reasonable accommodation to allow a disabled participant to receive housing assistance and pay no more than 40 percent of its adjusted income toward the family share.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 983.205(b).

Project/Activity: New York City Housing Authority (NYCHA) in New York City, New York, requested a waiver of 24 CFR 983. 205(b) so that it could extend the term of a project-based voucher (PBV) housing assistance payments (HAP) contract.

Nature of Requirement: 24 CFR 983. 205(b) states that extensions after the initial extension are allowed at the end of any extension term provided that no more than 24 months prior to the expiration of the previous extension contract, the public housing agency agrees to extend the term, and that such extension is appropriate to continue providing affordable housing for low-income families or to expand housing opportunities.

Granted By: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 7, 2017.

Reason Waived: This waiver was granted so the owners of the project could secure financing through low-income housing tax credits.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 983.55(b) and 983.153(a).

Project/Activity: Housing Authority of Clackamas County (HACC) in Oregon City, Oregon, requested a waiver of 24 CFR 983.55(b) and 983.153(a) so that it could execute an Agreement to enter into a Housing Assistance Payments (AHAP) contract prior to the completion of a subsidy layering review for a project-based voucher new construction development.

Nature of Requirement: These regulations state that the public housing agency may not enter into an AHAP or housing assistance payments (HAP) contract until HUD or a housing credit agency approved by HUD has conducted any required subsidy layering review and determined that the PBV assistance is in accordance with HUD subsidy layering requirements.

Granted By: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 22, 2017.

Reason Waived: This waiver was granted to allow demolition activities and site preparation to commence prior to Portland's rainy weather season which has a detrimental effect on housing development.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 985.101(a).

Project/Activity: Housing Authority of East Baton Rouge Parish (HAEBR) requested a waiver of 24 CFR 985.101(a) so that it could submit its Section Eight Management Assessment Program (SEMAP) certification after the deadline.

Nature of Requirement: 24 CFR 985.101(a) states a PHA must submit the HUD-required SEMAP certification form within 60 calendar days after the end of its fiscal year.

Granted By: Lourdes Castro Ramírez, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 11, 2017.

Reason Waived: This waiver was granted for the HAEBRP's fiscal year ending September 30, 2016. The waiver was approved because of On August 14, 2016, President Obama signed a Major Disaster Declaration (DR–4277) for the area that includes the HAEBRP. Agency resources were diverted to relief and recovery efforts.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 985.101(a).

Project/Activity: The Lincoln Housing Authority (LHA) in Bowling Green, Missouri, requested a waiver of 24 CFR 985.101(a) so that it could submit its Section Eight Management Assessment Program (SEMAP) certification after the deadline.

Nature of Requirement: 24 CFR 985.101(a) states a PHA must submit the HUD-required SEMAP certification form within 60 calendar days after the end of its fiscal year.

Granted By: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 6, 2017.

Reason Waived: This waiver was granted for the LHA's fiscal year ending September 30, 2016. The waiver was approved because of circumstances beyond the PHA's control and to prevent additional administrative burdens for the PHA and field office.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 985.101(a).

Project/Activity: Hendry County Housing Department (HCHD) in LaBelle, Florida, requested a waiver of 24 CFR 985.101(a) so that it could submit its Section Eight Management Assessment Program (SEMAP) certification after the deadline.

Nature of Requirement: 24 CFR 985.101(a) states a PHA must submit the HUD-required SEMAP certification form within 60 calendar days after the end of its fiscal year.

Granted By: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 13, 2017.

Reason Waived: This waiver was granted for the HCHD's fiscal year ending September 30, 2016. The waiver was approved because of circumstances beyond the PHA's control and to prevent additional administrative burdens for the PHA and field office.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 985.101(a).

Project/Activity: Housing Authority of the City of Leesville (HACL) in Leesville, Louisiana, requested a waiver of 24 CFR 985.101(a) so that it could submit its Section Eight Management Assessment Program (SEMAP) certification after the deadline.

Nature of Requirement: 24 CFR 985.101(a) states a PHA must submit the HUD-required SEMAP certification form within 60 calendar days after the end of its fiscal year.

Granted By: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 2, 2017.

Reason Waived: This waiver was granted for the HACL's fiscal year ending September 30, 2016. The waiver was approved because of circumstances beyond the PHA's control and to prevent additional administrative burdens for the PHA and field office.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 985.101(a).

Project/Activity: Housing Authority of the City of Nanticoke (HACN) in Nanticoke, Pennsylvania, requested a waiver of 24 CFR 985.101(a) so that it could submit its Section Eight Management Assessment Program (SEMAP) certification after the deadline.

Nature of Requirement: 24 CFR 985.101(a) states a PHA must submit the HUD-required SEMAP certification form within 60 calendar days after the end of its fiscal year.

Granted By: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 2, 2017.

Reason Waived: This waiver was granted for the HACN's fiscal year ending September 30, 2016. The waiver was approved because of circumstances beyond the PHA's control and to prevent additional administrative burdens for the PHA and field office.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 985.101(a).

Project/Activity: Scranton Housing Authority (SHA) in Scranton Pennsylvania, requested a waiver of 24 CFR 985.101(a) so that it could submit its Section Eight Management Assessment Program (SEMAP) certification after the deadline.

Nature of Requirement: 24 CFR 985.101(a) states a PHA must submit the HUD-required SEMAP certification form within 60 calendar days after the end of its fiscal year.

Granted By: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 9, 2017.

Reason Waived: This waiver was granted for the HACN's fiscal year ending September 30, 2016. The waiver was approved because of circumstances beyond the PHA's control and to prevent additional administrative burdens for the PHA and field office.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 985.101(a).

Project/Activity: Housing Authority of the City of Lumberton (HACL) in Lumberton, North Carolina, requested a waiver of 24 CFR 985.101(a) so that it could submit its Section Eight Management Assessment Program (SEMAP) certification after the deadline.

Nature of Requirement: 24 CFR 985.101(a) states a PHA must submit the HUD-required SEMAP certification form within 60 calendar days after the end of its fiscal year.

Granted By: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 21, 2017.

Reason Waived: This waiver was granted for the HACL's fiscal year ending March 31, 2017. The waiver was approved because of circumstances beyond the PHA's control and to prevent additional administrative burdens for the PHA and field office.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 985.101(a).

Project/Activity: Columbus Housing Authority (CHA) in Columbus, Nebraska, requested a waiver of 24 CFR 985.101(a) so that it could submit its Section Eight Management Assessment Program (SEMAP) certification after the deadline.

Nature of Requirement: 24 CFR 985.101(a) states a PHA must submit the HUD-required SEMAP certification form within 60 calendar days after the end of its fiscal year.

Granted By: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 30, 2017.

Reason Waived: This waiver was granted for the CHA's fiscal year ending September 30, 2016. The waiver was approved because of circumstances beyond the PHA's control and to prevent additional administrative burdens for the PHA and field office.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 985.101(a).

Project/Activity: Beaver Housing Authority (BHA) in Beaver, Utah, requested a waiver of 24 CFR 985.101(a) so that it could submit its Section Eight Management Assessment Program (SEMAP) certification after the deadline.

Nature of Requirement: 24 CFR 985.101(a) states a PHA must submit the HUD-required SEMAP certification form within 60 calendar days after the end of its fiscal year.

Granted By: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 30, 2017.

Reason Waived: This waiver was granted for the BHA's fiscal year ending September 30, 2016. The waiver was approved because of circumstances beyond the PHA's control and to prevent additional administrative burdens for the PHA and field office.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 903.5.

Project/Activity: Submission of the Annual PHA Plan.

Nature of Requirement: Public Housing Authorities are required to submit an Annual PHA Plan 75 days before the commencement of their fiscal year.

Granted By: Jemine A. Bryon.

Date Granted: February 13, 2017.

Reason Waived: The Housing Authority of the City of Lumberton (HACL) sustained major damages to their administrative offices and public housing units due to flooding caused by Hurricane Matthew. Lumberton, North Carolina was included in the Presidential Disaster Declaration DR–4285. As a result, HACL requested a waiver of 24 CFR 903.5 and an extension of time to submit the Annual PHA Plan. The Department found that good cause existed pursuant to 24 CFR 5.110 to grant the waiver and extend the time for submission of the Annual PHA Plan.

Contact: Bernita James, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4208, Washington, DC 20410, telephone (202) 402–7169.

[FR Doc. 2017–13552 Filed 6–27–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–MB–2016–N225; 91100–3740–GRNT 7C]

Announcement of Public Meeting via Teleconference: North American Wetlands Conservation Council

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The North American Wetlands Conservation Council will meet via teleconference to select North American Wetlands Conservation Act (NAWCA) U.S. Standard grant proposals for recommendation to the Migratory Bird Conservation Commission. This meeting is open to the public, and interested persons may present oral or written statements.

DATES:

Teleconference: The teleconference is scheduled for July 14, 2017, at 12:00 p.m. Eastern Daylight Saving Time.

Attendance: Because this is a teleconference, there is no meeting venue. Individuals wishing to participate in the teleconference should contact the Council Coordinator for the call-in information (see **FOR FURTHER INFORMATION CONTACT**) no later than July 7, 2017.

Presenting Information During the Teleconference: If you are interested in presenting information, contact the Council Coordinator no later than July 7, 2017.

Submitting Information: To submit written information or questions before the Council meeting for consideration during the meeting, contact the Council Coordinator no later than July 7, 2017.

FOR FURTHER INFORMATION CONTACT: Sarah Mott, Council Coordinator, by phone at 703–358–1784; by email at *dbhc@fws.gov;* or by U.S. mail at U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: MB, Falls Church, VA 22041. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 during normal business hours. Also, FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

About the Council

In accordance with the North American Wetlands Conservation Act (Pub. L. 101–233, 103 Stat. 1968, December 13, 1989, as amended; NAWCA), the State-private-Federal North American Wetlands Conservation Council (Council) meets to consider wetland acquisition, restoration, enhancement, and management projects for recommendation to, and final funding approval by, the Migratory Bird Conservation Commission. NAWCA provides matching grants to organizations and individuals who have developed partnerships to carry out wetlands conservation projects in the United States, Canada, and Mexico. These projects must involve long-term protection, restoration, and/or enhancement of wetlands and associated uplands habitats for the benefit of all wetlands-associated migratory birds. Project proposal due dates, application instructions, and eligibility requirements are available on the NAWCA Web site at *www.fws.gov/birds/grants/north-american-wetland-conservation-act.php.*

Public Input

Submitting Written Information or Questions

Interested members of the public may submit relevant information or questions to be considered during the public meeting. If you wish to make information available to the Council for their consideration prior to the meeting, you must contact the Council Coordinator by the date in **DATES**. Written statements must be supplied to the Council Coordinator in both of the following formats: One hard copy with original signature and one electronic copy via email (acceptable file formats are Adobe Acrobat PDF, MS Word, MS PowerPoint, or rich text file).

Giving an Oral Presentation

Individuals or groups requesting to make an oral presentation at the meeting will be limited to 2 minutes per speaker, with no more than a total of 30 minutes for all speakers. Interested parties should contact the Council Coordinator, by the date specified above in **DATES**, in writing (preferably via email; see **FOR FURTHER INFORMATION CONTACT**) to be placed on the public speaker list for the meeting. Nonregistered public speakers will not be considered during the Council meeting. Registered speakers who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, are invited to submit written statements to the Council within 30 days following the meeting.

Meeting Minutes

Summary minutes of the Council meeting will be maintained by the Council Coordinator at the address under **FOR FURTHER INFORMATION CONTACT**. Meeting notes will be available by contacting the Council Coordinator within 30 days following the meeting. Personal copies may be purchased for the cost of duplication.

Authority: We issue this notice under the authority of NAWCA (Pub. L. 101–233, 103 Stat. 1968, December 13, 1989, as amended).

Dated: June 19, 2017.

Jerome Ford,

Assistant Director, Migratory Birds.

[FR Doc. 2017–13497 Filed 6–27–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR957000.L63100000.BJ0000. 17XL1109AF.HAG 17–0086]

Filing of Plats of Survey: Oregon/Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management (BLM), Oregon/Washington State Office, Portland, Oregon, 30 calendar days from the date of this publication. The surveys, which were executed at the request of the BLM, are necessary for the management of these lands.

DATES: Protests must be received by the BLM by July 31, 2017.

ADDRESSES: A copy of the plats may be obtained from the Public Room at the BLM, Oregon/Washington State Office, 1220 SW 3rd Avenue, Portland, Oregon 97204, upon required payment. The plats may be viewed at this location at no cost. Please use this address when filing written protests.

FOR FURTHER INFORMATION CONTACT: Kyle Hensley, (503) 808–6132, Branch of Geographic Sciences, BLM, 1220 SW 3rd Avenue, Portland, Oregon 97204. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The plats of survey of the following described lands are scheduled to be officially filed in the BLM, Oregon/Washington State Office, Portland, Oregon:

Willamette Meridian, Oregon

T. 20 S., R. 1 E., approved February 9, 2017
T. 7 S., R. 2 E., approved February 9, 2017
T. 34 S., R. 3 E., approved January 27, 2017
T. 20 S., R. 1 W., approved February 9, 2017
T. 20 S., R. 2 W., approved February 9, 2017
T. 29 S., R. 3 W., approved February 17, 2017
T. 29 S., R. 4 W., approved February 17, 2017
T. 32 S., R. 4 W., approved February 9, 2017
T. 34 S., R. 5 W., approved February 9, 2017
T. 31 S., R. 8 W., approved February 9, 2017
T. 19 S., R. 9 W., approved February 9, 2017
T. 31 S., R. 9 W., approved February 9, 2017
T. 32 S., R. 14 W., approved February 10, 2017

A person or party who wishes to protest one or more plats of survey

identified above must file a written notice of protest with the Chief Cadastral Surveyor for Oregon/Washington, BLM. The notice of protest must identify the plat(s) of survey that the person or party wishes to protest. The notice of protest must be filed before the scheduled date of official filing for the plat(s) of survey being protested. Any notice of protest filed after the scheduled date of official filing will not be considered. A notice of protest is considered filed on the date it is received by the Chief Cadastral Surveyor for Oregon/Washington during regular business hours; if received after regular business hours, a notice of protest will be considered filed the next business day. A written statement of reasons in support of a protest, if not filed with the notice of protest, must be filed with the Chief Cadastral Surveyor for Oregon/Washington within 30 calendar days after the notice of protest is filed. If a notice of protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the notice of protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the next business day following dismissal or resolution of all protests of the plat.

Before including your address, phone number, email address, or other personal identifying information in a notice of protest or statement of reasons, you should be aware that the documents you submit—including your personal identifying information—may be made publicly available in their entirety at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 U.S.C. Ch. 3.

Mary J.M. Hartel,

Chief Cadastral Surveyor of Oregon/Washington.

[FR Doc. 2017–13544 Filed 6–27–17; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCA942000 L57000000.BX0000 15X L5017AR]

Filing of Plats of Survey: California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of lands described in this notice are scheduled to be officially filed in the Bureau of Land Management (BLM), California State Office, Sacramento, California. The surveys, which were executed at the request of Bureau of Indian Affairs, U.S. Forest Service, and the BLM, are necessary for the management of these lands.

DATES: Protests must be received by the BLM by July 28, 2017.

ADDRESSES: A copy of the plats may be obtained from the Bureau of Land Management, California State Office, 2800 Cottage Way W–1623, Sacramento, California 95825, upon required payment. Please use this address when filing written protests.

FOR FURTHER INFORMATION CONTACT: Jon Kehler, Chief, Branch of Cadastral Survey, Bureau of Land Management, California State Office, 2800 Cottage Way W–1623, Sacramento, California 95825; 1–916–978–4310; *jkehler@blm.gov.* Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lands surveyed are:

Mount Diablo Meridian, California

T. 5 N., R. 13 E., dependent resurvey and subdivision, accepted December 5, 2016.
T. 10 N., R. 21 E., dependent resurvey, accepted January 31, 2017.
T. 10 N., R. 22 E., dependent resurvey, accepted January 31, 2017.
T. 11 N., R. 21 E., dependent resurvey and subdivision, accepted February 2, 2017.
T. 41 N., R. 9 E., dependent resurvey and subdivision, accepted February 1, 2017.

A person or party who wishes to protest a survey must file a notice that they wish to protest with the Chief, Branch of Cadastral Survey. A statement of reasons for a protest may be filed with the notice of protest and must be filed with the Chief, Branch of Cadastral Survey, within 30 days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 U.S.C., Chapter 3.

Jon L. Kehler,

Chief Cadastral Surveyor, California.

[FR Doc. 2017–13538 Filed 6–27–17; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVWO3500.L51050000.EA0000. LVRCF1705280.241A.17XL5017AP MO#4500106771]

Temporary Closure and Temporary Restrictions of Specific Uses on Public Lands for the Burning Man Event (Permitted Event), Pershing County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of temporary closure and restrictions.

SUMMARY: Under the authority of the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) Winnemucca District, Black Rock Field Office, will implement a temporary closure and temporary restrictions to protect public safety and resources on public lands within and adjacent to the Burning Man event on the Black Rock Desert playa.

DATES: The temporary closure and temporary restrictions will be in effect from July 31, 2017, to September 20, 2017.

FOR FURTHER INFORMATION CONTACT: Mark E. Hall, Field Manager, BLM Black Rock Field Office, Winnemucca District, 5100 E. Winnemucca Blvd., Winnemucca, NV 89445–2921; telephone: 775–623–1500; email: *mehall@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal hours.

SUPPLEMENTARY INFORMATION: The temporary closure and temporary restrictions affect public lands within and adjacent to the Burning Man event

permitted on the Black Rock Desert playa within the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area in Pershing County, Nevada. The legal description of the affected public lands in the temporary public closure area is Mount Diablo Meridian, Nevada:

T. 33 N., R. 24 E., unsurveyed,
Sec. 1 and 2, those portions lying northwesterly of East Playa Road;
Sec. 3;
Sec. 4, that portion lying southeasterly of Washoe County Road 34;
Sec. 5;
Sec. 8, NE¼;
Sec. 9, N½;
Sec. 10, N½;
Sec. 11, that portion of the N½ lying northwesterly of East Playa Road.
T. 33½ N., R. 24 E., un-surveyed,
Secs. 25, 26, and 27;
Sec. 28 and 33, those portions lying easterly of Washoe County Road 34;
Secs. 34, 35, and 36.
T. 34 N., R. 24 E., partly un-surveyed,
Sec. 23, S½;
Sec. 24, S½;
Secs. 25 and 26;
Sec. 27, E½NE¼, E½SW¼, SE¼;
Sec. 33, NE¼NE¼, S½NE¼, that portion of the SW¼ lying northeasterly of Washoe County Road 34, SE¼;
Secs. 34, 35, and 36.
T. 33 N., R. 25 E.,
Sec. 4, that portion lying northwesterly of East Playa Road.
T. 34 N., R. 25 E., un-surveyed,
Sec. 16, S½;
Sec. 21;
Sec. 22, W½NW¼, SW¼;
Sec. 27, W½;
Sec. 28;
Sec. 33, that portion lying northwesterly of East Playa Road;
Sec. 34, that portion of the W½ lying northwesterly of East Playa Road.

The temporary closure area comprises 14,153 acres in Pershing County, Nevada and is necessary for the period of time from July 31, 2017, to September 20, 2017, because of the Burning Man event, whose activities begin with fencing the site perimeter, Black Rock City setup, followed by the actual event (August 27 to September 4), Black Rock City tear down and cleanup, and final site cleanup. This event is authorized on public land under Special Recreation Permit #NVW03500–17–01.

The public closure area comprises about 13 percent of the Black Rock Desert playa. Public access to the other 87 percent of the playa outside the temporary closure area will remain open to dispersed casual use.

The event area is fully contained within the temporary closure area. The event area is defined as the portion of the temporary closure area that: (1) Is entirely contained within the event perimeter fence, including 50 feet from the outside of the event perimeter fence; (2) Lies within 25 feet from the outside edge of the event access road; and (3) Includes the entirety of the aircraft parking area outside the event perimeter fence.

The temporary closure and restrictions are necessary to provide a safe environment for the paid participants and members of the public visiting the Black Rock Desert, and to protect public-land resources by addressing law-enforcement and public-safety concerns associated with the event. The temporary closure and restrictions are also necessary to enable BLM law enforcement personnel to provide for public safety and to protect the public lands as well as to support and assist State and local agencies with enforcement of existing laws. The permitted event takes place within Pershing County, Nevada, a rural county with a small population and a small Sheriff's Department. Key BLM staff members—including the authorizing officer for the 2017 event, the event incident commander, and the law enforcement operations chief—met with the Pershing County Sheriff and his planning team to coordinate and plan the 2017 event. The Sheriff's input and comments are incorporated in this closure order.

The event attracts up to 70,000 paid participants to a remote, rural area, located more than 90 miles from urban infrastructure and support, including such services as public safety, emergency medical delivery, transportation, and communication. During the event, Black Rock City, the temporary city associated with the event, becomes one of the largest population areas in Nevada.

A temporary closure and restrictions order, under the authority of 43 CFR 8364.1, is appropriate for a single event. The temporary closure and restrictions are specifically tailored to the time frame that is necessary to provide a safe environment for the public and for participants at the Burning Man event and to protect public land resources while avoiding imposing restrictions that may not be necessary in the area during the remainder of the year.

The BLM will post copies of the temporary closure, temporary restrictions, and an associated map in kiosks at access points to the Black Rock Desert playa as well as at the Gerlach Post Office, Bruno's Restaurant, Empire Store, Black Rock City offices, Friends of Black Rock-High Rock offices, the BLM—Nevada Black Rock Station near Gerlach, and the BLM—California Applegate Field Office. The BLM will also make the materials available on the Winnemucca District's external Web page at: *http://www.blm.gov/nv/st/en/fo/wfo.htm.*

In addition to the Nevada Collateral Forfeiture and Bail Schedule as authorized by the United States District Court, District of Nevada and under the authority of Section 303(a) of FLPMA, 43 CFR 8360.0–7 and 43 CFR 8364.1, the BLM will enforce a temporary public closure and the following temporary restrictions will apply within and adjacent to the Burning Man event on the Black Rock Desert playa from July 31, 2017, through September 20, 2017:

Temporary Restrictions

(A) Environmental Resource Management and Protection

(1) No person may deface, disturb, remove or destroy any natural object.

(2) *Fires/Campfires:* The ignition of fires on the surface of the Black Rock Desert playa without a burn blanket or burn pan is prohibited. Campfires may only be burned in containers that are sturdily elevated above the playa surface and in a manner that does not pose a risk of fire debris falling onto the playa surface. Plastic and nonflammable materials may not be burned in campfires. The ignition of fires other than a campfire is prohibited. This restriction does not apply to event-sanctioned and regulated art burns during the event.

(3) *Fireworks:* The use, sale or possession of personal fireworks is prohibited except for uses of fireworks approved by a permit holder and used as part of a Burning Man sanctioned art burn event.

(4) *Grey and Black Water Discharge:* The discharge and dumping of grey water onto the playa/ground surface is prohibited. Grey water is defined as water that has been used for cooking, washing, dishwashing, or bathing and/or contains soap, detergent, or food scraps/residue, regardless of whether such products are biodegradable or have been filtered or disinfected. Black water is defined as waste water containing feces, urine, and/or flush water.

(5) *Human Waste:* The depositing of human waste (liquid and/or solid) on the playa/ground surface is prohibited.

(6) *Trash:* The discharge of any and all trash/litter or matter out of place onto the ground/playa surface is prohibited. All event participants must pack out and properly dispose of all trash at an appropriate disposal facility off the playa.

(7) *Hazardous Materials:* The dumping or discharge of vehicle oil, petroleum products, or other hazardous

household, commercial, or industrial refuse or waste onto the playa surface is prohibited. This applies to all recreational vehicles, trailers, motorhomes, port-a-potties, generators, and other camp infrastructure.

(8) *Fuel Storage:* Each camp storing fuel must establish a designated fuel storage area at least ten (10) feet from combustible materials; twenty five (25) feet from generators, vehicles, or camp trailers/RV's and any sources of ignition (such as cigarettes/open flame); and one hundred (100) feet from other designated fuel storage areas. Fuel containers shall not exceed 80 percent capacity per container. The storage of greater than 110 gallons of fuel in a single camp is prohibited. Storage areas for all fuel must include a secondary containment system that can hold a liquid volume equal to or greater than 110 percent of the largest container being stored. Secondary containment measures must comply with the following:

(a) The secondary containment system must be free of cracks or gaps and constructed of materials impermeable to the fuel(s) being stored; and

(b) The secondary containment system must be designed to allow the removal of any liquids captured resulting from leaks, spills, or precipitation.

(9) *Water Discharge:* The unauthorized dumping or discharge of water onto the playa surface, onto city streets, and/or other public areas or onto camp electric systems in a manner that creates a hazard or nuisance is prohibited. This provision does not prohibit the use of water trucks contracted by the event organizer to provide dust abatement measures.

(B) Commercial Activities

In accordance with Handbook H–2930–1 Chapter 1–C. Vending and the 2017 Special Recreation Permit Stipulation for the permitted event, all vendors and air carrier services must provide proof of authorization to operate at the event issued by the permitting agency and/or the permit holder upon request. Failure to provide such authorization would potentially result in eviction from the event.

(C) Aircraft Landing

The public closure area is closed to aircraft landing, taking off, and taxiing. Aircraft is defined in Title 18, U.S.C., section 31(a)(1) and includes lighter-than-air craft and ultra-light craft. The following exceptions apply:

(1) All aircraft operations, including ultra-light and helicopter landings and takeoffs will occur at the designated 88NV Black Rock City Airport landing strips and areas defined by airport management. All takeoffs and landings will occur only during the hours of operation of the airport as described in the Burning Man Operating Plan. All pilots that use the Black Rock City Airport must agree to and abide by the published airport rules and regulations;

(2) Only helicopters providing emergency medical services may land at the designated Emergency Medical Services helicopter pad or at other locations when required for medical incidents. The BLM authorized officer or his/her delegated representative may approve other helicopter landings and takeoffs when deemed necessary for the benefit of the law enforcement operation; and

(3) Landings or takeoffs of lighter-than-air craft previously approved by the BLM authorized officer.

(D) Alcohol/Prohibited Substance

(1) Possession of an open container of an alcoholic beverage by the driver or operator of any motorized vehicle, whether or not the vehicle is in motion, is prohibited.

(2) Possession of alcohol by minors:

(i) The following are prohibited:

(A) Consumption or possession of any alcoholic beverage by a person under 21 years of age on public lands; and

(B) Selling, offering to sell, or otherwise furnishing or supplying any alcoholic beverage to a person under 21 years of age on public lands.

(3) Operation of a motor vehicle while under the influence of alcohol, narcotics, or dangerous drugs:

(i) Title 43 CFR 8341.1(f)(3) prohibits the operation of an off-road motor vehicle on public land while under the influence of alcohol, narcotics, or dangerous drugs.

(ii) In addition to the prohibition found at 43 CFR 8341.1(f)(3), it is prohibited for any person to operate or be in actual physical control of a motor vehicle while:

(A) The operator is under the combined influence of alcohol, a drug, or drugs to a degree that renders the operator incapable of safe operation of that vehicle; or

(B) The alcohol concentration in the operator's blood or breath is 0.08 grams or more of alcohol per 100 milliliters of blood or 0.08 grams or more of alcohol per 210 liters of breath.

(C) It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of a prohibited substance in his or her urine or blood that is equal to or greater than the following nanograms per milliliter (ng/ml):

(1) *Amphetamine:* Urine, 500 ng/ml; blood, 100 ng/ml;

(2) *Cocaine:* Urine, 150 ng/ml; blood, 50 ng/ml;

(3) *Cocaine metabolite:* Urine, 150 ng/ml; blood, 50 ng/ml;

(4) *Heroin:* Urine, 2,000 ng/ml; blood, 50 ng/ml;

(5) Heroin metabolite:

(i) *Morphine:* Urine, 2,000 ng/ml; blood, 50 ng/ml;

(ii) *6-monoacetyl morphine:* Urine, 10 ng/ml; blood, 10 ng/ml;

(6) *Lysergic acid diethylamide:* Urine, 25 ng/ml; blood, 10 ng/ml;

(7) *Marijuana:* Urine, 10 ng/ml; blood, 2 ng/ml;

(8) *Marijuana metabolite:* Urine, 15 ng/ml; blood, 5 ng/ml;

(9) *Methamphetamine:* Urine, 500 ng/ml; blood, 100 ng/ml;

(10) *Phencyclidine:* Urine, 25 ng/ml; blood, 10 ng/ml;

(iii) Tests:

(A) At the request or direction of any law enforcement officer authorized by the Department of the Interior to enforce this closure and restriction order, who has probable cause to believe that an operator of a motor vehicle has violated a provision of paragraph (i) or (ii) of this section, the operator shall submit to one or more tests of the blood, breath, saliva, or urine for the purpose of determining blood alcohol and drug content.

(B) Refusal by an operator to submit to a test is prohibited and proof of refusal may be admissible in any related judicial proceeding.

(C) Any test or tests for the presence of alcohol and drugs shall be determined by and administered at the direction of an authorized law enforcement officer.

(D) Any test shall be conducted by using accepted scientific methods and equipment of proven accuracy and reliability operated by personnel certified in its use.

(iv) Presumptive levels:

(A) The results of chemical or other quantitative tests are intended to supplement the elements of probable cause used as the basis for the arrest of an operator charged with a violation of paragraph (i) of this section. If the alcohol concentration in the operator's blood or breath at the time of testing is less than alcohol concentrations specified in paragraph (ii)(B) of this section, this fact does not give rise to any presumption that the operator is or is not under the influence of alcohol.

(B) The provisions of paragraph (iv)(A) of this section are not intended to limit the introduction of any other competent evidence bearing upon the

question of whether the operator, at the time of the alleged violation, was under the influence of alcohol, a drug or multiple drugs or any combination thereof.

(4) Definitions:

(i) *Open container:* Any bottle, can, or other container which contains an alcoholic beverage, if that container does not have a closed top or lid for which the seal has not been broken. If the container has been opened one or more times, and the lid or top has been replaced, that container is an open container.

(ii) Possession of an open container includes any open container that is physically possessed by the driver or operator or is adjacent to and reachable by that driver or operator. This includes, but is not limited, to containers in a cup holder or rack adjacent to the driver or operator, containers on a vehicle floor next to the driver or operator, and containers on a seat or console area next to a driver or operator.

(E) Drug Paraphernalia

(1) The possession of drug paraphernalia is prohibited.

(2) *Definition:* Drug paraphernalia means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of any State or Federal law, or regulation issued pursuant to law.

(F) Disorderly Conduct

(1) Disorderly conduct is prohibited.

(2) *Definition:* Disorderly conduct means that an individual, with the intent of recklessly causing public alarm, nuisance, jeopardy, or violence; or recklessly creating a risk thereof:

(i) Engages in fighting or violent behavior;

(ii) Uses language, an utterance, or gesture or engages in a display or act that is physically threatening or menacing or done in a manner that is likely to inflict injury or incite an immediate breach of the peace.

(iii) Obstructs, resists, or attempts to elude a law enforcement officer, or fails to follow their orders or directions.

(G) Eviction of Persons

(1) The public closure area is closed to any person who:

(i) Has been evicted from the event by the permit holder, whether or not the eviction was requested by the BLM;

(ii) Has been evicted from the event by the BLM;

(iii) Has been ordered by a law enforcement officer to leave the area of the permitted event.

(2) Any person evicted from the event forfeits all privileges to be present within the perimeter fence or anywhere else within the public closure area even if they possess a ticket to attend the event.

(H) Motor Vehicles

(1) Must comply with the following requirements:

(i) The operator of a motor vehicle must possess a valid driver's license.

(ii) Motor vehicles and trailers must possess evidence of valid registration, except for mutant vehicles, or other vehicles registered with the permitted event organizers and operated within the scope of that registration.

(iii) Motor vehicles must possess evidence of valid insurance, except for mutant vehicles or other vehicles registered with the permitted event organizers and operated within the scope of that registration.

(iv) Motor vehicles and trailers must not block a street used for vehicular travel or a pedestrian pathway.

(v) Motor vehicles must not exceed the posted or designated speed limits. Posted or designated speed limits also apply to motorized skateboards, electric assist bicycles, and Go-Peds with handlebars.

(vi) No person shall occupy a trailer while the motor vehicle is in transit upon a roadway, except for mutant vehicles, or other vehicles registered with the permitted event organizers and operated within the scope of that registration.

(vii) During night hours, from a half-hour after sunset to a half-hour before sunrise, motor vehicles, other than a motorcycle or golf cart—which require only one working headlamp, one working tail light, and one working break light—must be equipped with at least two working headlamps and at least two functioning tail lamps, except for mutant vehicles or other vehicles registered with the permitted event organizers and operated within the scope of that registration, so long as they are adequately lit according to Black Rock City LLC Department of Mutant Vehicle requirements.

(viii) Motor vehicles, other than a motorcycle or golf cart, must display a red, amber, or yellow light brake light visible to the rear in normal sunlight upon application of the brake, except for mutant vehicles, or other vehicles registered with the permitted event organizers and operated within the scope of that registration, so long as they are adequately lit according to Black Rock City LLC Department of Mutant Vehicle requirements.

(ix) Trailers pulled by motor vehicles must be equipped with at least two functioning tail lamps and at least two functioning brake lights.

(x) Motor vehicles must display an unobstructed rear license plate in a place and position to be clearly visible and must be maintained free from foreign materials and in a condition to be clearly legible, except for mutant vehicles, or other vehicles registered with the permitted event organizers and operated within the scope of that registration.

(2) The public closure area is closed to motor vehicle use, except as provided below. Motor vehicles may be operated within the public closure area under the circumstances listed below:

(i) Participant arrival and departure on designated routes;

(ii) BLM, medical, law enforcement, and firefighting vehicles are authorized at all times;

(iii) Vehicles, mutant vehicles, or art cars operated by the permit holder's staff or contractors and service providers on behalf of the permit holder are authorized at all times. These vehicles must display evidence of event registration in such manner that it is visible to the rear of the vehicle while the vehicle is in motion;

(iv) Vehicles used by disabled drivers and displaying official State-disabled-driver license plates or placards; or mutant vehicles and art cars, or other vehicles registered with the permit holder must display evidence of registration at all times in such manner that it is visible to the rear of the vehicle while the vehicle is in motion;

(v) Participant drop-off of approved burnable material and wood to the Burn Garden/Wood Reclamation Stations (located on open playa at 3:00, 6:00, 9:00 Promenades and the Man base) from 10:00 a.m. Sunday through the end of day Tuesday, post event;

(vi) Passage through, without stopping, the public closure area on the west or east playa roads;

(vii) Support vehicles for art vehicles, mutant vehicles, and theme camps will be allowed to drive to and from fueling stations.

(3) Definitions:

(i) A motor vehicle is any device designed for and capable of travel over land and which is self-propelled by a motor, but does not include any vehicle operated on rails or any motorized wheelchair.

(ii) Motorized wheelchair means a self-propelled wheeled device, designed

solely for and used by a mobility-impaired person for locomotion.

(iii) ''Trailer'' means every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle, this includes camp trailers, pop-up trailers, 4′x7′ or larger flatbed trailers, enclosed cargo trailers, or RV style trailers.

(I) Public Camping

The public closure area is closed to public camping with the following exception:

The permitted event's ticket holders who are camped in designated event areas provided by the permit holder and ticket holders who are camped in the authorized pilot camp and the permit holder's authorized staff, contractors, and BLM-authorized event management related camps are exempt from this closure.

(J) Public Use

The public closure area is closed to use by members of the public unless that person is traveling through, without stopping, the public closure area on the west or east playa roads; possesses a valid ticket to attend the event; is an employee or authorized volunteer with the BLM, a law enforcement officer, emergency medical service provider, fire protection provider, or another public agency employee working at the event and that individual is assigned to the event; is a person working at or attending the event on behalf of the permit holder; or is authorized by the permit holder to be onsite prior to the commencement of the event for the primary purpose of constructing, creating, designing or installing art, displays, buildings, facilities, or other items and structures in connection with the event; or is a commercial operation to provide services to the event organizers and/or participants authorized by the permit holder through a contract or agreement and authorized by BLM through a Special Recreation Permit.

(K) Unmanned Aircraft Systems

(1) The use of unmanned aircraft systems (UAS) is prohibited, unless the operator is authorized through and complies with the Remote Control BRC (RCBRC) program and operates the UAS in accordance with Federal laws and regulations, specifically the operational limitations under the Small Unmanned Aircraft Rule (Part 107).

(2) Definition:

(i) Unmanned aircraft means an aircraft operated without the possibility of direct human intervention from within or on the aircraft.

(ii) UAS is the unmanned aircraft and all of the associated support equipment, control station, data links, telemetry, communications and navigation equipment, etc., necessary to operate the unmanned aircraft.

(L) Lasers

(1) The possession and or use of handheld lasers is prohibited.

(2) Definition:

(i) A laser means any hand held laser beam device or demonstration laser product that emits a single point of light amplified by the stimulated emission of radiation that is visible to the human eye.

(M) Weapons

(1) The possession of any weapon is prohibited except weapons within motor vehicles passing, without stopping, through the public closure area on the west or east playa roads.

(2) The discharge of any weapon is prohibited.

(3) The prohibitions above shall not apply to county, State, tribal, and Federal law enforcement personnel who are working in their official capacity at the event. ''Art projects'' that include weapons and are sanctioned by the permit holder will be permitted after obtaining authorization from the BLM authorized officer.

(4) Definitions:

(i) Weapon means a firearm, compressed gas or spring powered pistol or rifle, bow and arrow, cross bow, blowgun, spear gun, hand-thrown spear, sling shot, irritant gas device, electric stunning or immobilization device, explosive device, any implement designed to expel a projectile, switch-blade knife, any blade which is greater than 10 inches in length from the tip of the blade to the edge of the hilt or finger guard nearest the blade (*e.g.,* swords, dirks, daggers, machetes) or any other weapon the possession of which is prohibited by State law. Exception: This rule does not apply in a kitchen or cooking environment or where an event worker is wearing or utilizing a construction knife for their duties at the event.

(ii) Firearm means any pistol, revolver, rifle, shotgun, or other device which is designed to, or may be readily converted to expel, a projectile by the ignition of a propellant.

(iii) Discharge means the expelling of a projectile from a weapon. Any person who violates the above rules and restrictions may be tried before a United States Magistrate and fined no more than $100,000, imprisoned no more than 12 months or both, in accordance with 18 U.S.C. 3571(b), 43 U.S.C. 1733(a) and 43 CFR 8360.0–7. Such violations may also be subject to the enhanced penalties provided by 18 U.S.C. 3571 and 3581. In accordance with 43 CFR 8365.1–7, State or local officials may also impose penalties for violations of Nevada law.

Authority: 43 CFR 8364.1

Mark E. Hall,

Field Manager, Black Rock Field Office, Winnemucca District.

[FR Doc. 2017–13542 Filed 6–27–17; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCO956000 L14400000.BJ0000 17X]

Notice of Filing of Plats of Survey; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management (BLM), Colorado State Office, Lakewood, Colorado, 30 calendar days from the date of this publication. The surveys, which were executed at the request of the U.S. Forest Service, the Bureau of Indian Affairs, the National Park Service, and the BLM, are necessary for the management of these lands.

DATES: Unless there are protests of this action, the plats described in this notice will be filed on July 28, 2017.

ADDRESSES: You may submit written protests to the BLM Colorado State Office, Cadastral Survey, 2850 Youngfield Street, Lakewood, CO 80215–7093.

FOR FURTHER INFORMATION CONTACT: Randy Bloom, Chief Cadastral Surveyor for Colorado; (303) 239–3856; *rbloom@blm.gov.* Persons who use a telecommunications device for the deaf may call the Federal Relay Service at 1–800–877–8339 to contact the above individual during normal business hours. The Service is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: A person or party who wishes to protest a survey must file a notice that they wish to protest with the Chief, Branch of Cadastral Survey. A statement of

reasons for a protest may be filed with the notice of protest and must be filed with the Chief, Branch of Cadastral Survey within 30 days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

The plat and field notes of the dependent resurvey and survey in Township 14 South, Range 67 West, Sixth Principal Meridian, Colorado, were accepted on February 3, 2017.

The plat and field notes of the dependent resurvey and corrective dependent resurvey in Township 33 North, Range 7 West, New Mexico Principal Meridian, Colorado, were accepted on March 14, 2017.

The plat and field notes of the dependent resurvey and subdivision of sections 34 and 35 in Township 50 North, Range 8 West, New Mexico Principal Meridian, Colorado, were accepted on March 20, 2017.

The monument for the corner of sections 15, 16, 21, and 22, Township 4 South, Range 95 West, Sixth Principal Meridian, Colorado, was determined to be out of position by more than 200 feet, although it was correctly depicted on the official BLM plat of survey, Group No. 571, approved July 11, 1977. Based on discussions and direction by BLM Colorado Cadastral Survey, Wasatch Surveying Associates set a private monument with a cap marked accordingly at the point of the true section corner location determined by the double proportionate method, as depicted on the survey plat filed by Wasatch Surveying Associates, February 13, 2017, Reception Number 1042, with Garfield County, Colorado, and on February 21, 2017, Reception Number 314038, with Rio Blanco County, Colorado. The displaced BLM monument was stamped ''Alternate Monument'' and buried 12 inches below ground level at the erroneous location.

The plat, in two sheets, incorporating the field notes of the dependent resurvey and subdivision of section 4 in Township 10 South, Range 77 West, Sixth Principal Meridian, Colorado, was accepted on March 29, 2017.

Authority: 43 U.S.C. Chap. 3.

Randy A. Bloom,

Chief Cadastral Surveyor.

[FR Doc. 2017–13533 Filed 6–27–17; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCA942000 L57000000.BX0000 15X L5017AR]

Filing of Plats of Survey, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of lands described in this notice are scheduled to be officially filed in the Bureau of Land Management, California State Office, Sacramento, California. The surveys, which were executed at the request of the BLM Mother Lode Field Office, the Bureau of Indian Affairs (BIA) Western Regional Office, the United States Forest Service (USFS) Region 4 Intermountain Region, the USFS Humboldt-Toiyabe National Forest, and the USFS Modoc National Forest, are necessary for the management of these lands.

DATES: A person or party who wishes to protest this survey must file a written notice by July 28, 2017.

ADDRESSES: A copy of the plats may be obtained from the Bureau of Land Management, California State Office, 2800 Cottage Way W–1623, Sacramento, California 95825, upon required payment. Please use this address when filing written protests.

FOR FURTHER INFORMATION CONTACT: Jon Kehler Chief, Branch of Cadastral Survey, Bureau of Land Management, California State Office, 2800 Cottage Way W–1623, Sacramento, California 95825; 1–916–978–4310; *jkehler@blm.gov.* Persons who use a telecommunications device for the deaf may call the Federal Relay Service at 1–800–877–8339 to contact the above individual during normal business hours. The Service is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: A person or party who wishes to protest a survey must file a notice that they wish to protest with the Chief, Branch of Cadastral Survey. A statement of reasons for a protest may be filed with the notice of protest and must be filed with the Chief, Branch of Cadastral Survey within 30 days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

The surveys are:

Mount Diablo Meridian, California

T. 5 N., R. 13 E., dependent resurvey and subdivision, accepted December 5, 2016.
T. 10 N., R. 21 E., dependent resurvey, accepted January 31, 2017.
T. 10 N., R. 22 E., dependent resurvey, accepted January 31, 2017.
T. 11 N., R. 21 E., dependent resurvey and subdivision, accepted February 2, 2017.
T. 41 N., R. 9 E., dependent resurvey and subdivision, accepted February 1, 2017.

Authority: 43 U.S.C., Chapter 3.

Jon L. Kehler,

Chief Cadastral Surveyor.

[FR Doc. 2017–13535 Filed 6–27–17; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY–957000–17–L13100000–PP0000]

Filing of Plats of Survey, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The Bureau of Land Management (BLM) is scheduled to file plats of survey and remonumentation 30 calendar days from the date of this publication in the BLM Wyoming State Office, Cheyenne, Wyoming. The surveys, which were executed at the request of the BLM, are necessary for the management of these lands.

DATES: Protests must be received by the BLM by July 28, 2017.

ADDRESSES: You may submit written protests to the Wyoming State Director at WY957, Bureau of Land Management, 5353 Yellowstone Road, Cheyenne, Wyoming 82003.

FOR FURTHER INFORMATION CONTACT: Sonja Sparks, BLM Wyoming Cadastral Surveyor at 307–775–6222 or *s75spark@blm.gov.* Persons who use a telecommunications device for the deaf may call the Federal Relay Service at 1–800–877–8339 to contact this office during normal business hours. The Service is available 24 hours a day, 7 days a week, to leave a message or question with this office. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lands surveyed are: The plat representing the entire record of the remonumentation of certain corners, Township 23 North, Range 103 West, Sixth Principal Meridian, Wyoming, Group No. 850, was accepted March 21, 2017.

The plat and field notes representing the dependent resurvey of portions of the sub divisional lines and the survey of the subdivision of section 21, Township 23 North, Range 103 West, Sixth Principal Meridian, Wyoming, Group No. 889, was accepted March 21, 2017.

The plat and field notes representing the dependent resurvey of a portion of the west boundary and a portion of the sub divisional lines, and the survey of the subdivision of section 19, Township 23 North, Range 103 West, Sixth Principal Meridian, Wyoming, Group No. 948, was accepted March 21, 2017.

The plat and field notes representing the dependent resurvey of a portion of the south boundary and a portion of the sub divisional lines, and the survey of the subdivision of section 32, Township 23 North, Range 117 West, Sixth Principal Meridian, Wyoming, Group No. 947, was accepted March 21, 2017.

The plat and field notes representing the dependent resurvey of a portion of the sub divisional lines and the survey of the subdivision of section 11, Township 23 North, Range 118 West, Sixth Principal Meridian, Wyoming, Group No. 947, was accepted March 21, 2017.

The plat and field notes representing the dependent resurvey of a portion of the sub divisional lines, and the survey of the subdivision of section 27, Township 24 North, Range 118 West, Sixth Principal Meridian, Wyoming, Group No. 947, was accepted March 21, 2017.

A person or party who wishes to protest one or more plats of survey identified above must file a written notice of protest with the Wyoming State Director. The notice of protest must identify the plat(s) of survey that the person or party wishes to protest. The notice of protest must be filed before the scheduled date of official filing for the plat(s) of survey being protested. Any notice of protest filed after the scheduled date of official filing will be untimely and will not be considered. A notice of protest is considered filed on the date it is received by the State Director during regular business hours; if received after regular business hours, a notice of protest will be considered filed the next business day. A written statement of reasons in support of a protest, if not filed with the notice of protest, must be filed with the State Director within 30 calendar days after the notice of protest is filed. If a notice of protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the notice of protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the next business day following dismissal or resolution of all protests of the plat.

Before including your address, phone number, email address, or other personal identifying information in your protest, you should be aware that your entire protest—including your personal identifying information—may be made publicly available at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Copies of the preceding described plats and field notes are available to the public at a cost of $4.20 per plat and $.13 per page of field notes.

Authority: 43 U.S.C. Ch. 3.

John P. Lee,

Chief Cadastral Surveyor, Division of Support Services.

[FR Doc. 2017–13540 Filed 6–27–17; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCO956000 L14400000.BJ0000 17X]

Filing of Plats of Survey, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management (BLM), Colorado State Office, Lakewood, Colorado, 30 calendar days from the date of this publication. The surveys, which were executed at the request of the U.S. Forest Service and the BLM, are necessary for the management of these lands.

DATES: Unless this action is protested, the plats described in this notice will be filed on July 28, 2017.

ADDRESSES: You may submit written protests to the BLM Colorado State Office, Cadastral Survey, 2850 Youngfield Street, Lakewood, CO 80215–7093.

FOR FURTHER INFORMATION CONTACT: Randy Bloom, Chief Cadastral Surveyor for Colorado; (303) 239–3856; *rbloom@blm.gov.* Persons who use a telecommunications device for the deaf may call the Federal Relay Service at 1–800–877–8339 to contact the above individual during normal business hours. The Service is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The plat and field notes of the dependent resurvey and survey in Township 36 North, Range 1 West, New Mexico Principal Meridian, Colorado, were accepted on December 9, 2016.

The plat, in two sheets, incorporating the field notes of the metes-and-bounds survey in Township 8 South, Range 75 West, Sixth Principal Meridian, Colorado, was accepted on January 3, 2017.

The plat, in two sheets, incorporating the field notes of the dependent resurvey and survey in Township 43 North, Range 4 West, New Mexico Principal Meridian, Colorado, was accepted on February 7, 2017.

The plat and field notes of the dependent resurvey, survey and remonumentation in Township 13 South, Range 68 West, Sixth Principal Meridian, Colorado, were accepted on February 14, 2017.

A person or party who wishes to protest any of the above surveys must file a written notice of protest within 30 calendar days from the date of this publication at the address listed in the **ADDRESSES** section of this notice. A statement of reasons for the protest may be filed with the notice of protest and must be filed within 30 calendar days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved.

Before including your address, phone number, email address, or other personal identifying information in your protest, please be aware that your entire

protest, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 U.S.C. Chap. 3.

Randy A. Bloom,

Chief Cadastral Surveyor.

[FR Doc. 2017–13534 Filed 6–27–17; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNM950000L13400000.BX0000 17X]

Notice of Filing of Plats of Survey, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Official Filing.

SUMMARY: The Bureau of Land Management (BLM) will file the plats of survey of the lands described in this notice in the BLM New Mexico State Office, Santa Fe, New Mexico, 30 calendar days from the date of this publication. The surveys, which were executed at the request of the BLM Albuquerque District Office and the U.S. Forest Service (USFS) Cimarron Ranger District, are necessary for the management of these lands.

DATES: A person or party who wishes to protest one of the surveys must file a written notice by July 28, 2017.

ADDRESSES: Written notices protesting a survey must be sent to the New Mexico State Director, BLM New Mexico State Office, 301 Dinosaur Trail, Santa Fe, New Mexico 87502.

FOR FURTHER INFORMATION CONTACT: Carlos Martinez, Supervisory Lands & Minerals Records Specialist, BLM New Mexico State Office, 301 Dinosaur Trail, Santa Fe, New Mexico 87502; telephone 505–954–2096, or *cjjmarti@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lands surveyed are:

New Mexico Principal Meridian, New Mexico

The plat, in three sheets, representing the dependent resurvey and survey, in Township 11 North, Range 6 East, of the New Mexico Principal Meridian, accepted February 6, 2017, for Group 1166 NM.

Sixth Principal Meridian, Kansas

The plat representing the dependent resurvey and survey in Township 33 South, Range 41 West, of the Sixth Principal Meridian, accepted February 8, 2017, for Group 39 KS.

A copy of the plat and related field notes will be placed in the open files. They will be available for public review in the BLM New Mexico State Office as a matter of information.

A person or party who wishes to protest against one of the above surveys must file a written notice within 30 calendar days from the date of this publication with the New Mexico State Director, BLM, at the address listed in the **ADDRESSES** section, stating that they wish to protest. A statement of reasons for the protest may be filed with the notice of protest and must be filed with the New Mexico State Director within 30 calendar days after the protest is filed. If a protest against a survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. The plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved.

Before including your address, phone number, email address, or other personal identifying information in your protest, you should be aware that your entire protest—including your personal identifying information—may be made publicly available at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 U.S.C. Chap. 3.

Charles I. Doman,

Chief, Branch of Cadastral Survey.

[FR Doc. 2017–13531 Filed 6–27–17; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[17X.LLID957000.L14400000.BJ0000.241A.X.4500104880]

Filing of Plats of Survey: Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The Bureau of Land Management (BLM) is scheduled to file plats of survey for the lands described in this notice 30 calendar days from the date of this publication in the BLM Idaho State Office, Boise, Idaho. The surveys, which were executed at the request of the Bureau of Indian Affairs, the Bureau of Reclamation, and the BLM, are necessary for the management of these lands.

DATES: Protests must be received by the BLM by July 28, 2017.

ADDRESSES: A copy of the plats may be obtained from the Public Room at the BLM, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho 83709, upon required payment. Please use this address when filing written protests.

FOR FURTHER INFORMATION CONTACT: Stanley G. French, Branch of Cadastral Survey, BLM, 1387 South Vinnell Way, Boise, Idaho, 83709–1657, 208–373–3981. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Mr. French. The FRS is available 24 hours a day, seven days a week, to leave a message or question with Mr. French. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lands surveyed are:

Boise Meridian, Idaho

T. 3 S., R. 36 E., Section 12, accepted February 21, 2017
T. 48 N., R. 5 E., Unsurveyed Sections 7 and 18, accepted February 21, 2017
T. 36 N., R. 1 E., Sections 8, 17, 18, 20, 21, 22, 23, 29, 30, accepted February 21, 2017
T. 3 N., R. 3 W., Sections 17 and 19, accepted February 21, 2017
T. 27 N., R. 1 E., Section 24, accepted February 21, 2017
T. 33 N., R. 2 E., Sections 1, 23, 27, 32, 33, and 34, accepted February 21, 2017
T. 34 N., R. 3 E., Section 31, accepted February 21, 2017
T. 36 N., R. 2 E., Sections 14, 32, and 33, accepted February 21, 2017

A person or party who wishes to protest one or more plats of survey identified above must file a written notice with the Chief Cadastral Surveyor for Idaho, BLM. The protest must identify the plat(s) of survey that the person or party wishes to protest and contain all reasons and evidence in support of the protest. The protest must be filed before the scheduled date of official filing for the plat(s) of survey being protested. Any protest filed after the scheduled date of official filing will not be considered. A protest is considered filed on the date it is

received by the Chief Cadastral Surveyor for Idaho during regular business hours; if received after regular business hours, a protest will be considered filed the next business day. If a protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the next business day following dismissal or resolution of all protests of the plat.

Before including your address, phone number, email address, or other personal identifying information in a protest, you should be aware that the documents you submit, including your personal identifying information, may be made publicly available in their entirety at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 U.S.C. Chap. 3.

Stanley G. French,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 2017–13539 Filed 6–27–17; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–23517; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before May 27, 2017, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by July 13, 2017.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before May 27, 2017. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

ALABAMA

Lauderdale County

McFarland Heights, 501–920 Riverview Dr., 701–735 Pleasant Cir., 410–456 Riverview Cir., Florence, SG100001280

Mobile County

Lower Dauphin Street Commercial District, Water, Conti, Broad, St. Francis & St. Louis Sts., Mobile, SG100001307

CALIFORNIA

Los Angeles County

Christian Science Society, 209 E Whittley Ave., Avalon, SG100001281

Roybal, Edward, House (Latinos in 20th Century California MPS), 628 S Evergreen St., Los Angeles, MP100001282

San Diego County

Montecito Ranch House, 1080 Montecito Way, Ramona, SG100001284

Osuna, Juan Maria, Adobe, 16332 Via de Santa Fe, Rancho Santa Fe, SG100001285

KANSAS

Crawford County

Frisco Freight Depot (Railroad Resources of Kansas MPS), 210 E 4th St., Pittsburg, MP100001286

Douglas County

Oak Hill Cemetery, 1605 Oak Hill Ave., Lawrence, SG100001287

Harper County

Harper Standpipe, 1012 Ash St., Harper, SG100001288

Jefferson County

Newell—Johnson—Searle House, 609 Walnut St., Oskaloosa, SG100001289

Marion County

Keystone Ranch (Agriculture-Related Resources of Kansas MPS), 2910 47th Terrace, Burns, MP100001290

MICHIGAN

Jackson County

First Congregational Church, 120 N Jackson St., Jackson, SG100001294

MINNESOTA

Crow Wing County

Pequot Fire Lookout Tower (Federal Relief Construction in Minnesota, 1933–1943 MPS), Cty. Rd. 11 about 0.5 mi. E of Cty. Rd. 112, Pequot Lakes, MP100001297

MISSOURI

Adair County

First Presbyterian Church, 201 S High St., Kirksville, SG100001298

Greene County

Beverly Apartments (Springfield MPS), 529 Cherry St., Springfield, MP100001299

Jackson County

Gillis Orphans' Home, 2119 Tracy Ave., Kansas City, SG100001300

NORTH CAROLINA

Lenoir County

Wyse Fork Battlefield, Address Restricted, Kinston vicinity, SG100001301

OREGON

Deschutes County

Pilot Butte Canal: Downtown Redmond Segment Historic District (Carey and Reclamation Acts Irrigation Projects in Oregon, 1901–1978 MPS), NW. Canal Blvd. from approx. NW. Quince to NW. Dogwood Aves., Redmond vicinity, MP100001303

TENNESSEE

Franklin County

Saint Margaret Mary Catholic Mission, 9458 Old Alto Hwy., Decherd vicinity, SG100001305

Marshall County

WJJM Radio Station and Tower, 344 E Church St., Lewisburg, SG100001304

Morgan County

Sixteen Tunnel, Tunnels through Sunbright Mt. on ATV trail/abandoned RR grade, Sunbright vicinity, SG100001306

A request for removal has been made for the following resource(s):

KANSAS

Sedgwick County

Ellington Apartment Building (Residential Resources of Wichita, Sedgwick County, Kansas 1870–1957 MPS), 514 S Main St., Wichita, OT13000435

Naomi and Leona Apartment Buildings (Residential Resources of Wichita, Sedgwick County, Kansas 1870–1957 MPS), 507–509 S Market St., Wichita, OT13000436

Nominations submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nominations and supports listing the property in the National Register of Historic Places.

CALIFORNIA

Siskiyou County

Upper Klamath River Stateline Archaeological District, Address Restricted, Beswick vicinity, SG100001283

Authority: 60.13 of 36 CFR part 60.

Dated: June 5, 2017.

J. Paul Loether,

Keeper, National Register of Historic Places, Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2017–13484 Filed 6–27–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–23548; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before June 3, 2017, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by July 13, 2017.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before June 3, 2017. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

COLORADO

Denver County

First Unitarian Society of Denver, 1400 Lafayette St., Denver, SG100001308

Fremont County

Downtown Florence Historic District, Roughly bounded by Main St., Santa Fe & Petroleum Aves. between W. 2nd & Railroad Sts., Florence, SG100001309

GEORGIA

Ware County

Manor School, 4650 Manor Millwood Rd., Manor, SG100001310

LOUISIANA

East Baton Rouge Parish

Baton Rouge Electric Company (BRECO) Public Utilities Complex, 1509 Government St., Baton Rouge, SG100001311

Natchitoches Parish

Southern Cotton Oil Mill, 110 Mill St., Natchitoches, SG100001312

Orleans Parish

John Hancock Building, 1055 St. Charles Ave., New Orleans, SG100001313

MASSACHUSETTS

Suffolk County

Boston Fish Pier Historic District, 212–234 Northern Ave., Boston, SG100001314

Columbia Road—Devon Street Historic District, 193–231 (odd) & 200–204 (even) Columbia Rd., Boston, SG100001315

NEW HAMPSHIRE

Carroll County

Conway Public Library, 15 Greenwood Ave., Conway, SG100001317

Grafton County

Enfield Center Town Hall, 1044 NH 4A, Enfield, SG100001318

Hillsborough County

Milford Suspension Bridge, E. of eastern end of Bridge St., Milford, SG100001321

NEW JERSEY

Warren County

First Methodist Episcopal Church, 116 E. Washington Ave., Washington Borough, SG100001322

OHIO

Summit County

Copley Township Cemetery Receiving Vault, 3772 Copley Rd., Copley, SG100001333

SOUTH CAROLINA

Richland County

Champion and Pearson Funeral Home, 1325 Park St., Columbia, SG100001334

An additional documentation has been received for the following resource(s):

ILLINOIS

Peoria County

Peoria Warehouse Historic District, Roughly along Adams, May, Oak, Persimmon, State, Walnut & Washington Sts., Peoria, AD14000621

OHIO

Cuyahoga County

Garfield, President James A., Memorial (Additional Documentation), 12316 Euclid Ave. in Lakeview Cemetery, Cleveland, AD73001411

Nominations submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nominations and responded to the Federal Preservation Officer within 45 days of receipt of the nominations and supports listing the properties in the National Register of Historic Places.

NEW MEXICO

Rio Arriba County

Apodaca, Martin, Homestead, (Historical-Period Rural Landscape of Upper Largo Canyon, Rio Arriba County, New Mexico, 1829–1943 MPS), Address Restricted, Counselor vicinity, MP100001324

Dogie Canyon School, (Historical-Period Rural Landscape of Upper Largo Canyon, Rio Arriba County, New Mexico, 1829–1943 MPS), Address Restricted, Counselor vicinity, MP100001325

El Buen Pastor Cemetery, (Historical-Period Rural Landscape of Upper Largo Canyon, Rio Arriba County, New Mexico, 1829–1943 MPS), Address Restricted, Counselor vicinity, MP100001326

Martin, Nestor, Park, (Historical-Period Rural Landscape of Upper Largo Canyon, Rio Arriba County, New Mexico, 1829–1943 MPS), Address Restricted, Counselor vicinity, MP100001327

Martinez, Margarita, Homestead, (Historical-Period Rural Landscape of Upper Largo Canyon, Rio Arriba County, New Mexico, 1829–1943 MPS), Address Restricted, Counselor vicinity, MP100001328

Miera, Luciano, Store—Homestead, (Historical-Period Rural Landscape of Upper Largo Canyon, Rio Arriba County, New Mexico, 1829–1943 MPS), Address Restricted Counselor vicinity, MP100001329

Moss Trail, (Historical-Period Rural Landscape of Upper Largo Canyon, Rio Arriba County, New Mexico, 1829–1943 MPS), Address Restricted, Counselor vicinity, MP100001330

Vigil, Senon S., Homestead, (Historical-Period Rural Landscape of Upper Largo Canyon, Rio Arriba County, New Mexico, 1829–1943 MPS), Address Restricted, Counselor vicinity, MP100001331

UTAH

Grand County

Ballard—Sego Coal Mine Historic District, Address Restricted, Green River vicinity, SG100001335

Authority: 60.13 of 36 CFR part 60.

Dated: June 9, 2017.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program and Keeper of the National Register.

[FR Doc. 2017–13485 Filed 6–27–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–23506; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before May 20, 2017, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by July 13, 2017.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before May 20, 2017. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

ARKANSAS

Searcy County

Leslie Commercial Historic District, 319–424 Main and 205 Oak Sts., Leslie, SG100001257

CALIFORNIA

San Bernardino County

Guapiabit—Serrano Homeland Archaeological District, Address Restricted, Hesperia vicinity, SG100001258

DELAWARE

Sussex County

Dinker—Irvin House, 310 Garfield Pkwy. Extended, Bethany Beach, SG100001259

MASSACHUSETTS

Worcester County

Worcester State Hospital Farmhouse, 361 Plantation St., Worcester, SG100001262

NEW JERSEY

Burlington County

Protestant Community Church of Medford Lakes, The 100 Stokes Rd., Medford Lakes Borough, SG100001263

Essex County

Collins House, 108 Baldwin St., Bloomfield Township, SG100001264

NEW YORK

Niagara County

Niagara Power Project Historic District, 5777 Lewiston Rd. (Power Vista), Lewiston, SG100001265

Rockland County

Tallman—Budke and Vanderbilt—Budke—Traphagen Houses, 131 Germonds Rd., Clarkstown, SG100001266

OHIO

Clark County

Lagonda State Bank, 2 E. Main St., Springfield, SG100001267

Franklin County

Yuster Building, 150 E. Broad St., Columbus, SG100001268

Hamilton County

Masonic Temple Price Hill Lodge, No. 524, 3301 Price Ave., Cincinnati, SG100001269

Traction Company Building, 432 Walnut St., Cincinnati, SG100001270

Summit County

East Liberty School, District No. 11, 3492 S. Arlington St., Green, SG100001271

OREGON

Deschutes County

Troy Field, 690 NW. Bond St., Bend, SG100001272

Lane County

Clearwater, Jacob, House, 1656 Clearwater Ln., Springfield, SG100001273

Triangle Lake Round Barn, 19941 OR 36, Blachly, SG100001274

Multnomah County

Eastmoreland Historic District, (Historic Residential Suburbs in the United States, 1830–1960 MPS), The district is generally bounded on the north by SE Woodstock Boulevard, to the west by Eastmoreland Golf Course, Portland, MP100001256

Portland Sanitarium Nurses' Quarters, 6012 SE. Yamhill St., Portland, SG100001275

Tillamook County

Pine Grove Community House, 225 Laneda Ave., Manzanita, SG100001276

A request for removal has been made for the following resource(s):

TENNESSEE

Hamblen County

Morristown College Historic District, 417 N. James St., Morristown, OT83003036

The State Historic Preservation Officer reviewed the following nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

An additional documentation has been received for the following resource(s):

MAINE

Hancock County

Schoodic Peninsula Historic District (Additional Documentation), (Acadia National Park MPS), 1.5 mi. S of ME 186, Winter Harbor vicinity, AD07000614

Authority: 60.13 of 36 CFR part 60.

Dated: June 2, 2017.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2017–13483 Filed 6–27–17; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

Summary of Commission Practice Relating to Administrative Protective Orders

AGENCY: U.S. International Trade Commission.

ACTION: Summary of Commission practice relating to administrative protective orders.

SUMMARY: Since February 1991, the U.S. International Trade Commission/ (''Commission'') has published in the **Federal Register** reports on the status of its practice with respect to violations of its administrative protective orders (''APOs'') under title VII of the Tariff Act of 1930, in response to a direction contained in the Conference Report to the Customs and Trade Act of 1990. Over time, the Commission has added to its report discussions of APO breaches in Commission proceedings other than under title VII and violations of the Commission's rules including the rule on bracketing business proprietary information (''BPI'') (the ''24-hour

rule''). This notice provides a summary of breach investigations (APOB investigations) completed during calendar year 2015. This summary addresses one APOB investigation related to a proceeding under title VII of the Tariff Act of 1930 and four APOB investigations related to proceedings under section 337 of the Tariff Act of 1930, two of which were related to the same proceedings and were combined. The Commission investigated rules violations as part of one of the APOB investigations. The Commission intends that this report inform representatives of parties to Commission proceedings as to some specific types of APO breaches encountered by the Commission and the corresponding types of actions the Commission has taken.

FOR FURTHER INFORMATION CONTACT: Ron Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone (202) 205–3088. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at (202) 205–1810.

General information concerning the Commission can also be obtained by accessing its Web site (*http://www.usitc.gov*).

SUPPLEMENTARY INFORMATION: Representatives of parties to investigations or other proceedings conducted under title VII of the Tariff Act of 1930, section 337 of the Tariff Act of 1930, the North American Free Trade Agreement (NAFTA) Article 1904.13, and safeguard-related provisions such as section 202 of the Trade Act of 1974, may enter into APOs that permit them, under strict conditions, to obtain access to BPI (title VII) and confidential business information (''CBI'') (safeguard-related provisions and section 337) of other parties or non-parties. *See, e.g.,* 19 U.S.C. 1677f; 19 CFR 207.7; 19 U.S.C. 1337(n); 19 CFR 210.5, 210.34; 19 U.S.C. 2252(i); 19 CFR 206.17; 19 U.S.C. 1516a(g)(7)(A); and 19 CFR 207.100, *et. seq.* The discussion below describes APO breach investigations that the Commission has completed during calendar year 2015, including a description of actions taken in response to these breaches.

Since 1991, the Commission has regularly published a summary of its actions in response to violations of Commission APOs and rule violations. *See* 56 FR 4846 (February 6, 1991); 57 FR 12335 (April 9, 1992); 58 FR 21991 (April 26, 1993); 59 FR 16834 (April 8, 1994); 60 FR 24880 (May 10, 1995); 61 FR 21203 (May 9, 1996); 62 FR 13164 (March 19, 1997); 63 FR 25064 (May 6, 1998); 64 FR 23355 (April 30, 1999); 65 FR 30434 (May 11, 2000); 66 FR 27685 (May 18, 2001); 67 FR 39425 (June 7, 2002); 68 FR 28256 (May 23, 2003); 69 FR 29972 (May 26, 2004); 70 FR 42382 (July 25, 2005); 71 FR 39355 (July 12, 2006); 72 FR 50119 (August 30, 2007); 73 FR 51843 (September 5, 2008); 74 FR 54071 (October 21, 2009); 75 FR 54071 (October 27, 2010), 76 FR 78945 (December 20, 2011), 77 FR 76518 (December 28, 2012), 78 FR 79481 (December 30, 2013), 80 FR 1664 (January 13, 2015) and 81 FR 17200 (March 28, 2016). This report does not provide an exhaustive list of conduct that will be deemed to be a breach of the Commission's APOs. APO breach inquiries are considered on a case-by-case basis.

As part of the effort to educate practitioners about the Commission's current APO practice, the Commission Secretary issued in March 2005 a fourth edition of *An Introduction to Administrative Protective Order Practice in Import Injury Investigations* (Pub. No. 3755). This document is available upon request from the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, tel. (202) 205–2000 and on the Commission's Web site at *http://www.usitc.gov.*

I. In General

A. Antidumping and Countervailing Duty Investigations

The current APO form for antidumping and countervailing duty investigations, which was revised in March 2005, requires the applicant to swear that he or she will:

(1) Not divulge any of the BPI disclosed under this APO or otherwise obtained in this investigation and not otherwise available to him or her, to any person other than—

(i) Personnel of the Commission concerned with the investigation,

(ii) The person or agency from whom the BPI was obtained,

(iii) A person whose application for disclosure of BPI under this APO has been granted by the Secretary, and

(iv) Other persons, such as paralegals and clerical staff, who (a) are employed or supervised by and under the direction and control of the authorized applicant or another authorized applicant in the same firm whose application has been granted; (b) have a need thereof in connection with the investigation; (c) are not involved in competitive decision making for an interested party which is a party to the investigation; and (d) have signed the acknowledgment for clerical personnel in the form attached hereto (the authorized applicant shall also sign such acknowledgment and will be deemed responsible for such persons' compliance with this APO);

(2) Use such BPI solely for the purposes of the above-captioned Commission investigation or for judicial or binational panel review of such Commission investigation;

(3) Not consult with any person not described in paragraph (1) concerning BPI disclosed under this APO or otherwise obtained in this investigation without first having received the written consent of the Secretary and the party or the representative of the party from whom such BPI was obtained;

(4) Whenever materials *e.g.,* documents, computer disks, etc. containing such BPI are not being used, store such material in a locked file cabinet, vault, safe, or other suitable container (N.B.: Storage of BPI on so-called hard disk computer media is to be avoided, because mere erasure of data from such media may not irrecoverably destroy the BPI and may result in violation of paragraph C of this APO);

(5) Serve all materials containing BPI disclosed under this APO as directed by the Secretary and pursuant to section 207.7(f) of the Commission's rules;

(6) Transmit each document containing BPI disclosed under this APO:

(i) With a cover sheet identifying the document as containing BPI,

(ii) with all BPI enclosed in brackets and each page warning that the document contains BPI,

(iii) if the document is to be filed by a deadline, with each page marked ''Bracketing of BPI not final for one business day after date of filing,'' and

(iv) if by mail, within two envelopes, the inner one sealed and marked ''Business Proprietary Information—To be opened only by [name of recipient]'', and the outer one sealed and not marked as containing BPI;

(7) Comply with the provision of this APO and section 207.7 of the Commission's rules;

(8) Make true and accurate representations in the authorized applicant's application and promptly notify the Secretary of any changes that occur after the submission of the application and that affect the representations made in the application (*e.g.,* change in personnel assigned to the investigation);

(9) Report promptly and confirm in writing to the Secretary any possible breach of this APO; and

(10) Acknowledge that breach of this APO may subject the authorized

applicant and other persons to such sanctions or other actions as the Commission deems appropriate, including the administrative sanctions and actions set out in this APO.

The APO form for antidumping and countervailing duty investigations also provides for the return or destruction of the BPI obtained under the APO on the order of the Secretary, at the conclusion of the investigation, or at the completion of Judicial Review. The BPI disclosed to an authorized applicant under an APO during the preliminary phase of the investigation generally may remain in the applicant's possession during the final phase of the investigation.

The APO further provides that breach of an APO may subject an applicant to:

(1) Disbarment from practice in any capacity before the Commission along with such person's partners, associates, employer, and employees, for up to seven years following publication of a determination that the order has been breached;

(2) Referral to the United States Attorney;

(3) In the case of an attorney, accountant, or other professional, referral to the ethics panel of the appropriate professional association;

(4) Such other administrative sanctions as the Commission determines to be appropriate, including public release of, or striking from the record any information or briefs submitted by, or on behalf of, such person or the party he represents; denial of further access to business proprietary information in the current or any future investigations before the Commission, and issuance of a public or private letter of reprimand; and

(5) Such other actions, including but not limited to, a warning letter, as the Commission determines to be appropriate.

APOs in safeguard investigations contain similar though not identical provisions.

B. Section 337 Investigations

The APOs in section 337 investigations differ from those in title VII investigations as there is no set form and provisions may differ depending on the investigation and the presiding administrative law judge. However, in practice, the provisions are often quite similar. Any person seeking access to CBI during a section 337 investigation including outside counsel for parties to the investigation, secretarial and support personnel assisting such counsel, and technical experts and their staff who are employed for the purposes of the investigation is required to read the APO, agree to its terms by letter filed with the Secretary of the Commission indicating that he or she agrees to be bound by the terms of the Order, agree not to reveal CBI to anyone other than another person permitted access by the Order, and agree to utilize the CBI solely for the purposes of that investigation.

In general, an APO in a section 337 investigation will define what kind of information is CBI and direct how CBI is to be designated and protected. The APO will state what persons will have access to the CBI and which of those persons must sign onto the APO. The APO will provide instructions on how CBI is to be maintained and protected by labeling documents and filing transcripts under seal. It will provide protections for the suppliers of CBI by notifying them of a Freedom of Information Act request for the CBI and providing a procedure for the supplier to take action to prevent the release of the information. There are provisions for disputing the designation of CBI and a procedure for resolving such disputes. Under the APO, suppliers of CBI are given the opportunity to object to the release of the CBI to a proposed expert. The APO requires a person who discloses CBI, other than in a manner authorized by the APO, to provide all pertinent facts to the supplier of the CBI and to the administrative law judge and to make every effort to prevent further disclosure. The APO requires all parties to the APO to either return to the suppliers or destroy the originals and all copies of the CBI obtained during the investigation.

The Commission's regulations provide for certain sanctions to be imposed if the APO is violated by a person subject to its restrictions. The names of the persons being investigated for violating an APO are kept confidential unless the sanction imposed is a public letter of reprimand. 19 CFR 210.34(c)(1). The possible sanctions are:

(1) An official reprimand by the Commission.

(2) Disqualification from or limitation of further participation in a pending investigation.

(3) Temporary or permanent disqualification from practicing in any capacity before the Commission pursuant to 19 CFR 201.15(a).

(4) Referral of the facts underlying the violation to the appropriate licensing authority in the jurisdiction in which the individual is licensed to practice.

(5) Making adverse inferences and rulings against a party involved in the violation of the APO or such other action that may be appropriate. 19 CFR 210.34(c)(3).

Commission employees are not signatories to the Commission's APOs and do not obtain access to BPI or CBI through APO procedures. Consequently, they are not subject to the requirements of the APO with respect to the handling of CBI and BPI. However, Commission employees are subject to strict statutory and regulatory constraints concerning BPI and CBI, and face potentially severe penalties for noncompliance. *See* 18 U.S.C. 1905; title 5, U.S. Code; and Commission personnel policies implementing the statutes. Although the Privacy Act (5 U.S.C. 552a) limits the Commission's authority to disclose any personnel action against agency employees, this should not lead the public to conclude that no such actions have been taken.

II. Investigations of Alleged APO Breaches

Upon finding evidence of an APO breach or receiving information that there is a reason to believe one has occurred, the Commission Secretary notifies relevant offices in the agency that an APO breach investigation has commenced and that an APO breach investigation file has been opened. Upon receiving notification from the Secretary, the Office of the General Counsel (''OGC'') prepares a letter of inquiry to be sent to the possible breacher over the Secretary's signature to ascertain the facts and obtain the possible breacher's views on whether a breach has occurred.[1] If, after reviewing the response and other relevant information, the Commission determines that a breach has occurred, the Commission often issues a second letter asking the breacher to address the questions of mitigating circumstances and possible sanctions or other actions. The Commission then determines what action to take in response to the breach. In some cases, the Commission determines that, although a breach has occurred, sanctions are not warranted, and therefore finds it unnecessary to issue a second letter concerning what sanctions might be appropriate. Instead, it issues a warning letter to the individual. A warning letter is not considered to be a sanction. However, a warning letter is considered in a subsequent APO breach investigation.

Sanctions for APO violations serve three basic interests: (a) Preserving the

[1] Procedures for inquiries to determine whether a prohibited act such as a breach has occurred and for imposing sanctions for violation of the provisions of a protective order issued during NAFTA panel or committee proceedings are set out in 19 CFR 207.100–207.120. Those investigations are initially conducted by the Commission's Office of Unfair Import Investigations.

confidence of submitters of BPI/CBI that the Commission is a reliable protector of BPI/CBI; (b) disciplining breachers; and (c) deterring future violations. As the Conference Report to the Omnibus Trade and Competitiveness Act of 1988 observed, ''[T]he effective enforcement of limited disclosure under administrative protective order depends in part on the extent to which private parties have confidence that there are effective sanctions against violation.'' H.R. Conf. Rep. No. 576, 100th Cong., 1st Sess. 623 (1988).

The Commission has worked to develop consistent jurisprudence, not only in determining whether a breach has occurred, but also in selecting an appropriate response. In determining the appropriate response, the Commission generally considers mitigating factors such as the unintentional nature of the breach, the lack of prior breaches committed by the breaching party, the corrective measures taken by the breaching party, and the promptness with which the breaching party reported the violation to the Commission. The Commission also considers aggravating circumstances, especially whether persons not under the APO actually read the BPI/CBI. The Commission considers whether there have been prior breaches by the same person or persons in other investigations and multiple breaches by the same person or persons in the same investigation.

The Commission's rules permit an economist or consultant to obtain access to BPI/CBI under the APO in a title VII or safeguard investigation if the economist or consultant is under the direction and control of an attorney under the APO, or if the economist or consultant appears regularly before the Commission and represents an interested party who is a party to the investigation. 19 CFR 207.7(a)(3)(B) and (C); 19 CFR 206.17(a)(3)(B) and (C). Economists and consultants who obtain access to BPI/CBI under the APO under the direction and control of an attorney nonetheless remain individually responsible for complying with the APO. In appropriate circumstances, for example, an economist under the direction and control of an attorney may be held responsible for a breach of the APO by failing to redact APO information from a document that is subsequently filed with the Commission and served as a public document. This is so even though the attorney exercising direction or control over the economist or consultant may also be held responsible for the breach of the APO. In section 337 investigations, technical experts and their staff who are employed for the purposes of the investigation are required to sign onto the APO and agree to comply with its provisions.

The records of Commission investigations of alleged APO breaches in antidumping and countervailing duty cases, section 337 investigations, and safeguard investigations are not publicly available and are exempt from disclosure under the Freedom of Information Act, 5 U.S.C. 552. *See* 19 U.S.C. 1677f(g), 19 U.S.C. 1333(h), 19 CFR 210.34(c).

The two types of breaches most frequently investigated by the Commission involve the APO's prohibition on the dissemination of BPI or CBI to unauthorized persons and the APO's requirement that the materials received under the APO be returned or destroyed and that a certificate be filed indicating which action was taken after the termination of the investigation or any subsequent appeals of the Commission's determination. The dissemination of BPI/CBI usually occurs as the result of failure to delete BPI/CBI from public versions of documents filed with the Commission or transmission of proprietary versions of documents to unauthorized recipients. Other breaches have included the failure to bracket properly BPI/CBI in proprietary documents filed with the Commission, the failure to report immediately known violations of an APO, and the failure to adequately supervise non-lawyers in the handling of BPI/CBI.

Occasionally, the Commission conducts APOB investigations that involve members of a law firm or consultants working with a firm who were granted access to APO materials by the firm although they were not APO signatories. In many of these cases, the firm and the person using the BPI/CBI mistakenly believed an APO application had been filed for that person. The Commission determined in all of these cases that the person who was a non-signatory, and therefore did not agree to be bound by the APO, could not be found to have breached the APO. Action could be taken against these persons, however, under Commission rule 201.15 (19 CFR 201.15) for good cause shown. In all cases in which action was taken, the Commission decided that the non-signatory was a person who appeared regularly before the Commission and was aware of the requirements and limitations related to APO access and should have verified his or her APO status before obtaining access to and using the BPI/CBI. The Commission notes that section 201.15 may also be available to issue sanctions to attorneys or agents in different factual circumstances in which they did not technically breach the APO, but when their actions or inactions did not demonstrate diligent care of the APO materials even though they appeared regularly before the Commission and were aware of the importance the Commission placed on the care of APO materials.

Counsel participating in Commission investigations have reported to the Commission potential breaches involving the electronic transmission of public versions of documents. In these cases, the document transmitted appears to be a public document with BPI or CBI omitted from brackets. However, the confidential information is actually retrievable by manipulating codes in software. The Commission has found that the electronic transmission of a public document containing BPI or CBI in a recoverable form was a breach of the APO.

Counsel have been cautioned to be certain that each authorized applicant files within 60 days of the completion of an import injury investigation or at the conclusion of judicial or binational review of the Commission's determination a certificate that to his or her knowledge and belief all copies of BPI/CBI have been returned or destroyed and no copies of such material have been made available to any person to whom disclosure was not specifically authorized. This requirement applies to each attorney, consultant, or expert in a firm who has been granted access to BPI/CBI. One firm-wide certificate is insufficient.

Attorneys who are signatories to the APO representing clients in a section 337 investigation should inform the administrative law judge and the Commission's secretary if there are any changes to the information that was provided in the application for access to the CBI. This is similar to the requirement to update an applicant's information in title VII investigations.

In addition, attorneys who are signatories to the APO representing clients in a section 337 investigation should send a notice to the Commission if they stop participating in the investigation or the subsequent appeal of the Commission's determination. The notice should inform the Commission about the disposition of CBI obtained under the APO that was in their possession or they could be held responsible for any failure of their former firm to return or destroy the CBI in an appropriate manner.

III. Specific APO Breach Investigations

Case 1. A lead attorney and and the attorney' partner, both subject to the

APO, directed their executive assistant, also subject to the APO, to electronically file the public version of their clients' post-conference brief in a Title VII investigation. Although BPI had been redacted from the brief, the BPI could be restored in the electronic version of the brief. The brief was filed with the Commission and was placed on the Commission's Electronic Document Information System (''EDIS'') as a public document. The lead attorney then emailed electronic copies of the brief to his clients and a trade publication, which posted a downloadable copy of the brief on its Web site. None of these recipients were authorized to access the BPI.

Five days after the brief was filed with the Commission, an attorney in the law firm, who was subject to the APO, discovered the breach and brought it to the attention of another attorney who was also subject to the APO. That attorney immediately telephoned the Commission and the trade publication to ask that the brief be removed from public view. The executive assistant then refiled a corrected version of the brief with the Commission and emailed the corrected version to the trade publication. At the same time, the lead attorney emailed each of his clients asking them to delete his previous email, and subsequently asked them to execute a certification that all copies of the brief had been destroyed and that no BPI had been viewed. Less than a week later, the lead attorney filed a letter with the Commission detailing the circumstances of the possible APO breach and the remedial steps taken.

The Commission determined to sanction the lead attorney, the partner, and the executive assistant, by issuing private letters of reprimand. The Commission considered the mitigating factors that the breach was unintentional, no employee of the law firm in question has been found to have breached an APO in the past two years, the law firm took immediate corrective measures upon learning of the potential breach, and immediately reported the potential breach to the Commission. Additionally, the law firm has adopted new APO procedures intended to prevent the recurrence of a similar breach in the future. The Commission also considered the aggravating factors that BPI may have been viewed by unauthorized persons, as the document containing retrievable BPI was available to unauthorized persons for five days on EDIS and for up to two days on the trade publication's Web site, and was emailed or forwarded to 37 clients and witnesses, none of whom were on the APO.

Case 2. The Commission determined that two attorneys breached an APO in an earlier section 337 investigation when they attached two documents containing CBI, but labelled public, to the complaint in a new section 337 investigation. In addition, the same materials were sent to the Patent and Trademark Office (PTO), along with additional CBI produced by two other respondents in the earlier investigation, as part of the prosecution history in the reexamination of a patent at issue in both the earlier and current section 337 investigations.

These materials were made available to and were accessed by persons not subject to the APO in the earlier investigation. Access by non-signatories of the APO was confirmed by the audit trail for EDIS. In addition, the CBI was available on the PTO's public record for a short period of time.

The Commission determined to sanction the two attorneys who breached the APO by issuing private letters of reprimand. The Commission considered the mitigating factors that the breach was unintentional, the two attorneys had not breached an APO within the last two years, the breach was properly reported to the Commission, and detailed protocols for handling CBI have since been implemented at the firm where the breach originated. The two attorneys also kept the Commission promptly informed of the status of their continuing efforts to mitigate the breach, including expunging the documents containing CBI that were released to the PTO, and securing confirmation from those who received the documents that their copies had been destroyed.

The Commission also considered the significant aggravating circumstances that the CBI was seen by non-signatories to the APO, and the breaches resulted in two disclosures, through EDIS and the PTO. Additionally, the law firm where the breaches originated did not discover the breaches, but rather was informed by an attorney for a respondent in the earlier section 337 investigation about the CBI labeled as public attached to the complaint in the new investigation.

Case 3. The Commission determined that an attorney at a law firm breached the APO issued in a section 337 investigation when the attorney inadvertently submitted to the U.S. Court of Appeals for the Federal Circuit (''CAFC'') a Commission opinion containing CBI. The opinion was attached to the filing of a non-confidential version of a motion. The Federal Circuit uploaded the document to the court's electronic filing system, and the CBI was publicly available for approximately thirteen weeks before the attorney discovered the disclosure. The attorney immediately reported the disclosure to the Commission and took steps to remedy the breach.

The Commission determined to issue the attorney a private letter of reprimand for breaching the APO. The Commission considered the mitigating factors that the breach was unintentional and that it was discovered by the breaching party. In addition, the attorney promptly notified opposing counsel, the Commission, and the Court regarding the breach and immediately undertook steps to remedy the breach. Finally, the Commission had not found the attorney to be in breach of a Commission APO within the previous two years. The Commission also considered the aggravating factor that the CBI in question was publicly available on the Court's electronic filing system for an extended period of time and therefore was presumably viewed by unauthorized persons.

Case 4. Two law firms in a section 337 investigation were responsible for three breaches of the APO. One firm self-reported that seven of its attorneys and two outside consultants had accessed CBI prior to filing protective order acknowledgements. Shortly thereafter another firm involved in the investigation self-reported that four of its attorneys had accessed CBI prior to filing protective order acknowledgements. The Commission determined to send warning letters to these attorneys and consultants pursuant to Commission rule 201.15(a), 19 CFR 201.15(a), due to their use of CBI in the investigation prior to filing a protective order acknowledgement.

The Commission determined that the supervisory attorneys responsible for this section 337 investigation in the two firms violated the APO by failing to adequately supervise access to and the handling of CBI by firm attorneys and outside consultants, thereby contributing to or directly disclosing CBI to unauthorized persons. The Commission issued warning letters to the supervisory attorneys in both firms.

The first of the two law firms also self-reported that it had filed a public brief with an attachment containing CBI with the CAFC. This APO violation was initially given a separate APOB investigation number and subsequently combined with the other breaches for the purposes of investigation. The brief was not made available to the public and was replaced with a version in which the CBI was removed. This brief had been transmitted to four clients of the firm who were not subject to the APO. They were contacted and were

able to delete the email transmitting the document before they had read the document with the CBI. For this breach the Commission issued warning letters to the two attorneys responsible for filing and transmitting the brief with the attachment containing CBI.

The Commission issued a private letter of reprimand to the law firm. The Commission considered certain mitigating circumstances. These included that the breaches were unintentional, the breaching parties had no prior breaches within the previous two years, the breaching parties took corrective measures to prevent a breach in the future, and the breaches were promptly self-reported to the Commission. With regard to the private letter of reprimand sent to the law firm, the Commission considered the aggravating circumstance that the firm was involved in two violations of the APO issued in the same section 337 investigation. The Commission found that the firm failed to adequately control access to CBI in the investigation and the appeal of the investigation to the CAFC.

Case 5. This APOB investigation was instituted regarding the filing at the CAFC of a public brief with CBI contained in an attachment. That investigation was combined with *Case 4* and is discussed above.

By order of the Commission.

Issued: June 22, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–13486 Filed 6–27–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–582 and 731–TA–1377 (Preliminary)]

Ripe Olives From Spain; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–582 and 731–TA–1377 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of ripe olives from Spain, provided for in subheadings 2005.70.02, 2005.70.04, 2005.70.06, 2005.70.08, 2005.70.12, 2005.70.16, 2005.70.18, 2005.70.23, 2005.70.25, 2005.70.50, 2005.70.60, 2005.70.70, 2005.70.75, 2005.70.91, 2005.70.93, and 2005.70.97 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Government of Spain. Unless the Department of Commerce extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by August 7, 2017. The Commission's views must be transmitted to Commerce within five business days thereafter, or by August 14, 2017.

DATES: *Effective Date:* June 22, 2017.

FOR FURTHER INFORMATION CONTACT: Jordan Harriman (202–205–2610), 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 investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to a petition deemed filed on June 22, 2017, by the Coalition for Fair Trade in Ripe Olives, consisting of Bell-Carter Foods, Walnut Creek, CA, and Musco Family Olive Company, Tracy, CA.

For further information concerning the conduct of these investigations 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 and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

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 investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on Wednesday, July 12, 2017, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the conference should be emailed to *William.bishop@usitc.gov* and *Sharon.bellamy@usitc.gov* (DO NOT FILE ON EDIS) on or before July 10, 2017. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before July 17, 2017, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference. 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://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's rules with respect to electronic filing.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (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.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: June 23, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–13510 Filed 6–27–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—North American Crossbow Federation

Notice is hereby given that, on May 22, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the North American Crossbow Federation (''NACF'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the name and principal place of business of the standards development organization and (2) the nature and scope of its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section (b) of the Act, the name and principal place of business of the standards development organization is: North American Crossbow Federation, Suffield, Ohio. The nature and scope of NACF's standards developments activities are: The development of one or more voluntary standards that provide the crossbow designer and manufacturer with recommendations for test procedures to evaluate the safety and performance of crossbows.

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017–13557 Filed 6–27–17; 8:45 am]

BILLING CODE P

U.S. DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—ASTM International Standards

Notice is hereby given that, on May 15, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), ASTM International (''ASTM'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ASTM has provided an updated list of current, ongoing ASTM standards activities originating between February, 2017 and May, 2017 designated as Work Items. A complete listing of ASTM Work Items, along with a brief description of each, is available at *http://www.astm.org.*

On September 15, 2004, ASTM filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 10, 2004 (69 FR 65226).

The last notification was filed with the Department on February 24, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 12, 2017 (82 FR 17693).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017–13554 Filed 6–27–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open Platform for NFV Project, Inc.

Notice is hereby given that, on May 30, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Open Platform for NFV Project, Inc. (''Open Platform for NFV Project'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, SDN/NFV Industry Alliance, Beijing, People's Republic of China, has been added as a party to this venture.

Also, Dialogic Corporation, Montreal, Quebec, Canada; and Openet Telecom Ltd., Dublin, Ireland, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Open Platform for NFV Project intends to file additional written notifications disclosing all changes in membership.

On October 17, 2014, Open Platform for NFV Project filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 14, 2014 (79 FR 68301).

The last notification was filed with the Department on March 9, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 4, 2017 (82 FR 16419).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017–13555 Filed 6–27–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—fd.io Project, Inc.

Notice is hereby given that, on May 30, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), fd.io Project, Inc. (''fd.io'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ZTE Corporation, Shenzhen, People's Republic of China, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and fd.io intends to file additional written notifications disclosing all changes in membership.

On May 4, 2016, fd.io filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 9, 2016 (81 FR 37211).

The last notification was filed with the Department on March 6, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 27, 2017 (82 FR 15240).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017–13553 Filed 6–27–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

John Warren Cox, M.D.; Decision and Order

On February 23, 2017, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (DEA), issued an Order to Show Cause to John Warren Cox, M.D. (Registrant), of West Point, Mississippi. GX 2. The Show Cause Order proposed the revocation of Registrant's DEA Certificate of Registration No. BC6115047, on the ground that he does not have authority to handle controlled substances in Mississippi, the State in which he is registered with the Agency. *Id.* at 1 (citing 21 U.S.C. 824(a)(3)).

With respect to the Agency's jurisdiction, the Show Cause Order alleged that Registrant is registered with the DEA as a practitioner authorized to handle controlled substances in schedules II through V under DEA registration BC6115047, at the registered address of 187 Medical Center Drive, West Point, Mississippi. *Id.* The Order alleged that Registrant's registration expires by its terms on August 31, 2019. *Id.*

As to the substantive ground for the proceeding, the Show Cause Order specifically alleged that on October 18, 2016, Registrant ''voluntarily surrendered [his] Mississippi medical license and agreed to never again seek to be licensed in the State of Mississippi.'' *Id.* The Show Cause Order further alleged that because Registrant is currently without authority to practice medicine or handle controlled substances in the State of Mississippi, ''the DEA must revoke [his] DEA COR.'' *Id.* at 2 (citing 21 U.S.C. 823(f) and 824(a)(3) (other citations omitted)).

The Show Cause Order notified Registrant of his right to request a hearing on the allegations, or to submit a written statement in lieu of a hearing, the procedure for electing either option, and the consequence for failing to elect either option. *Id.* at 2 (citing 21 CFR 1301.43). It also notified him of his right to submit a corrective action plan in accordance with 21 U.S.C. 824(c)(2)(C). *Id.* at 2–3.

On February 24, 2017, a Diversion Investigator from the Jackson, Mississippi District Office personally served the Show Cause Order on Registrant at his residence in West Point, Mississippi. GX 4 (Declaration of Diversion Investigator).

On May 5, 2017, the Government forwarded its Request for Final Agency Action (RFAA) and an evidentiary record to my Office. Therein, the Government represents that Registrant ''has not filed a request for a hearing or a written statement, and more than 30 days ha[ve] now passed since he was served.'' RFAA, at 1–2.

Based on the Government's representation that more than 30 days have now passed since the date of service of the Show Cause Order and that Registrant has not submitted a request for a hearing or a written statement, I find that Registrant has waived his right to a hearing or to submit a written statement in lieu of a hearing. 21 CFR 1301.43(d). I therefore issue this Decision and Final Order based on relevant evidence contained in the record submitted by the Government. *Id.* § 1301.43(d) & (e). I make the following findings of fact.

Findings

Registrant is the holder of DEA Registration No. BC6115047, pursuant to which he is authorized to dispense controlled substances in Schedules II through V as a practitioner, at the registered address of 187 Medical Center Drive, West Point, Mississippi. GX 1 (Certification of Registration History). His registration does not expire until August 31, 2019. *Id.*

On October 18, 2016, Registrant voluntarily surrendered his license to practice medicine in the State of Mississippi, and ''agree[d] to never seek application for a future license to practice medicine in the State of Mississippi.'' GX 3, at 2 (Surrender of Medical License). The agreement to voluntarily surrender his license followed an investigation by the Investigative Division of the Mississippi State Board of Medical Licensure, which ''ha[d] in its possession evidence which, if produced during the course of an evidentiary hearing, would show [that Registrant's] continued practice constitutes a threat to the public health and safety due to his impairment.'' *Id.* at 2. Registrant's surrender became effective immediately upon execution of the surrender form on October 18, 2016. *Id.*

A printout from the Mississippi Board's Physician Profile System, dated May 5, 2017, shows that Registrant's license to practice medicine ''expired''

on 10/31/2016, and that he ''voluntarily surrender[ed] his Mississippi medical license and agrees never to seek application for a future license to practice medicine in the State of MS.'' GX 4, Attachment A, at 1–2 (*https://ksitspe01.its.state.ms.us/msbml/MLB.nsf/ByLicenseNo/08934*); *see also* GX 4 (Declaration of Diversion Investigator). I therefore find that Registrant does not have authority to dispense controlled substances under the laws of Mississippi, the State in which he is registered with the Agency.

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of Title 21, ''upon a finding that the registrant . . . has had his State license . . . suspended [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' Moreover, with respect to a practitioner, DEA has long held that the possession of authority to dispense controlled substances under the laws of the State in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a registration. *See, e.g., James L. Hooper,* 76 FR 71371 (2011) (collecting cases), *pet. for rev. denied,* 481 Fed. Appx. 826 (4th Cir. 2012); *see also Frederick Marsh Blanton,* 43 FR 27616, 27617 (1978) (''State authorization to dispense or otherwise handle controlled substances is a prerequisite to the issuance and maintenance of a Federal controlled substances registration.'').

This rule derives from the text of two provisions of the CSA. First, Congress defined ''the term 'practitioner' [to] mean[ ] a . . . physician . . . or other person licensed, registered or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(f). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the Act, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the State in which he practices medicine. *See, e.g., Calvin Ramsey,* 76 FR 20034, 20036 (2011); *Sheran Arden Yeates, M.D.,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci,* 58 FR 51104, 51105 (1993); *Bobby Watts,* 53 FR 11919, 11920 (1988); *see also Blanton,* 43 FR at 27617.

Because Registrant is no longer currently authorized to dispense controlled substances in Mississippi, the State in which he is registered with the Agency, I will therefore order that his registration be revoked.

Order

Pursuant to the authority vested in me by 21 U.S.C. 824(a), as well as 28 CFR 0.100(b), I order that DEA Certificate of Registration No. BC6115047, issued to John Warren Cox, M.D., be, and it hereby is, revoked. Pursuant to the authority vested in me by 21 U.S.C. 823(f), I further order that any pending application of John Warren Cox, M.D., to renew or modify this registration, be, and it hereby is, denied. This Order is effective July 28, 2017.

Dated: June 21, 2017.

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2017–13527 Filed 6–27–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0021]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection; Dispensing Records of Individual Practitioners

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), 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 28, 2017.

FOR FURTHER INFORMATION CONTACT: If you have comments 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 Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information proposed 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 forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Dispensing Records of Individual Practitioners.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is N/A. The applicable component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected public (Primary): Business or other for-profit.

Affected public (Other): Not-for-profit institutions; Federal, State, local, and tribal governments.

Abstract: In accordance with the Controlled Substances Act (CSA), every DEA registrant must make a biennial inventory and maintain, on a current basis, a complete and accurate record of each controlled substance manufactured, received, sold, delivered, or otherwise disposed of. 21 U.S.C. 827 and 958. These records must be

maintained separately from all other records of the registrant or, alternatively, in the case of non-narcotic controlled substances, be in such a form that required information is readily retrievable from the ordinary business records of the registrant. 21 U.S.C. 827(b)(2). The records maintained by registrants must be kept and be available for at least two years for inspection and copying by officers or employees of the United States as authorized by the Attorney General. 21 U.S.C. 827(b)(3). The DEA may promulgate regulations that specify the information that registrants must maintain in the required records. 21 U.S.C. 827(b)(1).

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The DEA estimates that 64,751 respondents, with 64,751 responses annually to this collection. The DEA estimates that it takes 30 minutes to complete the form.

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* The DEA estimates this collection takes 32,376 hours annually.

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 22, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–13461 Filed 6–27–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Exemptions From Certain Prohibited Transaction Restrictions

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code). This notice includes the following: 2017–01, Rosetree & Company 401(k) Plan and Trust, D–11845; and 2017–02, Aon Pension Plan, D–11880.

SUPPLEMENTARY INFORMATION: A notice was published in the **Federal Register** of the pendency before the Department of a proposal to grant such exemption. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, DC The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicant has represented that it has complied with the requirements of the notification to interested persons. No requests for a hearing were received by the Department. Public comments were received by the Department as described in the granted exemption.

The notice of proposed exemption was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011) [1] and based upon the entire record, the Department makes the following findings:

(a) The exemption is administratively feasible;

(b) The exemption is in the interests of the plan and its participants and beneficiaries; and

(c) The exemption is protective of the rights of the participants and beneficiaries of the plan.

[1] The Department has considered exemption applications received prior to December 27, 2011 under the exemption procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990).

Rosetree & Company 401(k) Plan and Trust (the Plan) Located in Skokie, IL

[Prohibited Transaction Exemption 2017–01; Exemption Application No. D–11845]

Exemption

Section I. Covered Transactions

The sanctions resulting from the application of section 4975(c)(1)(B) of the Code shall not apply to the guarantee (the Guarantee) by Richard Rosenbaum (Mr. Rosenbaum), the Plan trustee, a disqualified person with respect to the Plan, of: (1) A loan (the Loan) made by the Great Lakes Credit Union (GLCU), an unrelated third party lender, to Kurtson Realty, LLC (Kurtson), a real estate company that is wholly owned by the Plan; [2] and (2) a future Loan made by an unrelated third party lender (hereinafter, GLCU and any third party lender is referred to as a ''Lender'') to Kurtson, provided that the general conditions that are set forth below in Section II are satisfied.

Section II. General Conditions

(a) The Loan is made for purposes of the Plan acquiring and rehabilitating investment property from an unrelated third party through Kurtson;

(b) The Loan is made on commercially reasonable terms;

(c) The debt service and value to loan ratio for the Loan, and for any future Loan, are based primarily on the characteristics of the property serving as collateral for such Loan (the Collateral Property);

(d) The Lender and the Loan servicer (the Loan Servicer) are unrelated to Mr. Rosenbaum and the Plan;

(e) The Lender has a pre-existing Loan service arrangement with the Loan Servicer, and maintains this relationship for the duration of the Loan;

(f) Mr. Rosenbaum does not receive any compensation or derive any personal benefit from the Collateral Property;

(g) For the duration of the Loan or any future Loan, the Collateral Property is not used by or leased to: (1) Any other disqualified persons with respect to the Plan; (2) Rosetreee or any affiliate of Rosetree; or (3) any person or entity in which Mr. Rosenbaum may have an interest that would affect his best judgment as a Plan fiduciary;

[2] Because Mr. Rosenbaum is the sole owner of Rosetree & Company, Ltd. (Rosetree), the Plan sponsor, and the only participant in the Plan, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act), pursuant to 29 CFR 2510.3–3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

(h) The Guarantee is a condition that is: (1) Customarily required in similar transactions between Kurtson and the Lender, and is not unique to the Loan or to the specific parties to the Loan; and (2) solely due to a regulatory requirement of the National Credit Union Administration that is imposed upon credit unions, including GLCU;

(i) If the Plan defaults on a Loan, Mr. Rosenbaum pays the balance of such Loan, and has no recourse against the Plan for repayment;

(j) No interest or any fee is charged to Kurtson or the Plan in connection with the Guarantee; and

(k) The Guarantee is not part of an agreement, arrangement, or understanding in which Mr. Rosenbaum causes the assets of the Plan to be used in a manner that is designed to benefit himself or any person who has an interest which would affect the exercise of Mr. Rosenbaum's best judgment as a fiduciary of the Plan.

Written Comments

Because Mr. Rosenbaum is the sole participant and beneficiary of the Plan, the Department determined that there was no need to distribute, to interested persons, the Notice of Proposed Exemption (the Notice), which was published in the **Federal Register** on May 1, 2017 at 82 FR 20384. All comments were due by May 31, 2017.

During the comment period, the Department received no comments from interested persons. Accordingly, after giving full consideration to the entire record, the Department has decided to grant the exemption. The complete application file (Exemption Application No. D–11845) and all supplemental submissions received by the Department are available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, Room N–1513, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the Notice cited above.

FOR FURTHER INFORMATION CONTACT: Ms. Anna Mpras Vaughan of the Department, telephone (202) 693–8565. (This is not a toll-free number.)

Aon Pension Plan (the Plan) Located in Chicago, Illinois

[Prohibited Transaction Exemption 2017–02; Exemption Application No. D–11880]

Exemption

Section I. Covered Transaction

The restrictions of sections 406(a)(1)(A), 406(a)(1)(D), 406(b)(1) and 406(b)(2) of the Act (or ERISA) and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A),(D), and (E) of the Code,[3] shall not apply to the in-kind contribution (the Contribution) by Aon Corporation (Aon), to the Plan of a 3.5% limited partnership interest (the Partnership Interest) in the Trident V, L.P. Fund (the Fund).

Section II. General Conditions

(a) A qualified independent fiduciary (the Independent Fiduciary), as defined in Section IV(c), negotiates the terms and conditions of the Contribution, and approves the Contribution as being in the interest of the Plan;

(b) The Partnership Interest is contributed to the Plan by Aon at its current fair market value, as determined by the Independent Fiduciary, at the time of the Contribution;

(c) On a date preceding the Contribution, Aon made a cash contribution to the Plan of $7.5 million (the Additional Cash Contribution);

(d) The Plan does not have any obligation to make future payments with respect to the Partnership Interest;

(e) Aon contributes, on behalf of the Plan, cash amounts that are equal to the remaining capital calls that are requested by the general partner (the General Partner) of the Fund with respect to the Partnership Interest;

(f) The Plan does not pay any fees, commissions, costs or other expenses in connection with the either the Contribution or the Additional Cash Contribution, except for fees that are paid by the Plan to the Independent Fiduciary; and

(g) The terms and conditions of the Contribution and the Additional Cash Contribution are no less favorable to the Plan than those obtainable under similar circumstances when negotiated at arm's-length with unrelated third parties.

Section III. Independent Fiduciary

(a) The Independent Fiduciary represents the interests of the Plan for all purposes with respect to the Contribution and the Additional Cash Contribution;

(b) The Independent Fiduciary:

(1) Reviews, negotiates (if applicable), and approves the terms and conditions of the Contribution and the Additional Cash Contribution, as evidenced in the Contribution Agreement;

(2) Determines, in its sole discretion, that the reported value of the Partnership, as calculated by the General Partner, reflects the fair market value of the Partnership Interest;

(3) Determines, at the time of the Contribution, that the terms of such transaction are no less favorable to the Plan than the terms negotiated at arm's-length under similar circumstances between unrelated third parties;

(4) Ensures the Plan incurs no fees, costs or other charges (other than the fees and expenses of the Independent Fiduciary) as a result of the Contribution and the Additional Cash Contribution;

(5) Acknowledges that the Partnership Interest may not be sold, assigned, transferred or otherwise disposed of without the prior written consent of the General Partner of the Fund, which must be given at least 30 days prior to such transfer;

(6) Enforces the Plan's rights and interests with respect to the terms the Contribution and the Additional Cash Contribution; and

(7) Takes all steps that are necessary and proper to protect the Plan under the terms of the Contribution Agreement.

Section IV. Definitions

(a) The term ''Aon'' means Aon Corporation, and any of its affiliates.

(b) The term ''affiliate'' means:

(1) Any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with the person;

(2) Any officer, director, employee, relative, or partner in any such person; or

(3) Any corporation or partnership of which such person is an officer, director, partner, or employee.

For purposes of clause (b)(1), above, the term ''control'' means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(c) The term ''Independent Fiduciary'' means a fiduciary with respect to the Plan that is independent of or unrelated to Aon, and has the appropriate training, experience, and facilities to act on behalf of the Plan regarding the proposed transactions in accordance with the fiduciary duties and responsibilities prescribed by the Act (including, if necessary, the

[3] For purposes of this exemption, references to specific provisions of section 406 of Title I of the Act, unless otherwise specified, should be read to refer as well to the corresponding provisions of section 4975 of the Code.

responsibility to seek the counsel of knowledgeable advisors to assist in its compliance with the Act). The Independent Fiduciary will not be deemed to be independent of and unrelated to Aon if: (1) Such Independent Fiduciary directly or indirectly controls, is controlled by or is under common control, with Aon; (2) such Independent Fiduciary directly or indirectly receives any compensation or other consideration in connection with any transaction described in this exemption other than for acting as Independent Fiduciary in connection with the transactions described herein, provided that the amount or payment of such compensation is not contingent upon, or in any way affected by, the Independent Fiduciary's ultimate decision; and (3) the annual gross revenue received by the Independent Fiduciary from Aon, during any year of its engagement, does not exceed three percent (3%) of such Independent Fiduciary's annual gross revenue from all sources (for federal income tax purposes) for its prior tax year.

Effective Date: This exemption is effective as of the date of the Contribution.

Written Comments

In the notice of proposed exemption (the Notice), the Department invited all interested persons to submit written comments within 44 calendar days of the publication, on April 14, 2017, of the Notice in the **Federal Register**. All comments were due by May 28, 2017. During the comment period, the Department received three written comments from Plan participants, one comment from Evercore Trust Company (Evercore), the Independent Fiduciary described in the Notice, and one comment from Aon. The Department did not receive any requests for a public hearing. The comments and the Department's responses are discussed below.

Participant Comments

With respect to the comments received from the Plan participants, the first commenter thought the Contribution would ''undermine the soundness of the pension plan.'' The second commenter thought the Contribution would ''jeopardize pension payments.'' The third commenter was concerned that the exemption was contrary to the intent of ERISA in that it would not ''protect pension funds.'' Each commenter's concerns were allayed following a discussion with a Department representative, and the comments were withdrawn.

Evercore's Comment/Appointment of Successor Independent Fiduciary

Evercore informed the Department that its parent, Evercore Partners, had entered into an agreement to sell Evercore's independent fiduciary business to the Newport Group, and that the transaction would close by the end of the third quarter of 2017. Evercore also informed the Department that the Fund currently owns a majority interest in the Newport Group. Evercore represents it had no prior knowledge of the contemplated sale at the time its initial Independent Fiduciary Report was submitted to the Department.

On June 16, 2017, Brock Fiduciary Services LLC of New York, New York was appointed as the new Independent Fiduciary for the Plan. The Department has revised the definition of the term ''Independent Fiduciary'' to read as follows:

(c) The term ''Independent Fiduciary'' means a fiduciary with respect to the Plan that is independent of or unrelated to Aon, and has the appropriate training, experience, and facilities to act on behalf of the Plan regarding the proposed transactions in accordance with the fiduciary duties and responsibilities prescribed by the Act (including, if necessary, the responsibility to seek the counsel of knowledgeable advisors to assist in its compliance with the Act). The Independent Fiduciary will not be deemed to be independent of and unrelated to Aon if: (1) Such Independent Fiduciary directly or indirectly controls, is controlled by or is under common control, with Aon; (2) such Independent Fiduciary directly or indirectly receives any compensation or other consideration in connection with any transaction described in this exemption other than for acting as Independent Fiduciary in connection with the transactions described herein, provided that the amount or payment of such compensation is not contingent upon, or in any way affected by, the Independent Fiduciary's ultimate decision; and (3) the annual gross revenue received by the Independent Fiduciary from Aon, during any year of its engagement, does not exceed three percent (3%) of such Independent Fiduciary's annual gross revenue from all sources (for federal income tax purposes) for its prior tax year.

Aon's Comment

Aon requests that the effective date of the exemption be the date the Contribution occurs, which Aon expects will be July 1, 2017. The Department has made the requested revision.

After giving full consideration to the entire record, the Department has decided to grant the exemption. The complete application file (Exemption Application No. D–11880), all supplemental submissions, and the written comments received by the Department are available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, Room N–1513, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the Notice at 82 FR 18013, April 14, 2017.

FOR FURTHER INFORMATION CONTACT: Mrs. Blessed Chuksorji-Keefe of the Department, telephone (202) 693–8567. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in the application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 21st day of June, 2017.

Lyssa E. Hall,

Director of Exemption Determinations, Employee Benefits Security Administration, U.S. Department Of Labor.

[FR Doc. 2017–13508 Filed 6–27–17; 8:45 am]

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DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Exemptions From Certain Prohibited Transaction Restrictions

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code). This notice includes the following proposed exemptions: D–11895, The Grossberg, Yochelson, Fox & Beyda LLP Profit Sharing Plan; L–11867, Toledo Electrical Joint Apprenticeship & Training Fund; and D–11929 and D–11930, Health Management Associates, Inc. Retirement Savings Plan (the HMA Plan) and The Mooresville Retirement Savings Plan (the Mooresville Plan).

DATES: All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this **Federal Register** Notice.

ADDRESSES: Comments and requests for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing. All written comments and requests for a hearing (at least three copies) should be sent to the Employee Benefits Security Administration (EBSA), Office of Exemption Determinations, U.S. Department of Labor, 200 Constitution Avenue NW., Suite 400, Washington, DC 20210. Attention: Application No. ____, stated in each Notice of Proposed Exemption. Interested persons are also invited to submit comments and/or hearing requests to EBSA via email or FAX. Any such comments or requests should be sent either by email to: *moffitt.betty@dol.gov,* or by FAX to (202) 693–8474 by the end of the scheduled comment period. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N–1515, 200 Constitution Avenue NW., Washington, DC 20210.

Warning: All comments will be made available to the public. Do not include any personally identifiable information (such as Social Security number, name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments may be posted on the Internet and can be retrieved by most Internet search engines.

SUPPLEMENTARY INFORMATION:

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011).[1] Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

The Grossberg, Yochelson, Fox & Beyda LLP Profit Sharing Plan (the Plan or Applicant) Located in Washington, DC

[Application D–11895]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011). If the exemption is granted, the restrictions of section 406(a)(1)(A) and (D) and section 406(b)(1) and (b)(2) of the Act, and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A), (D) and (E) of the Code,[2] will not apply to the proposed sale (the Sale) by the Plan of a limited liability company interest (the LLC Interest) to GYFB-Commons, LLC (GYFB-Commons), an entity that will be owned by the current partners of the law firm, Grossberg, Yochelson, Fox & Beyda, LLP (the Plan Sponsor).

Summary of Facts and Representations

The Plan Sponsor

1. The Plan Sponsor is a commercial real estate law firm located in Washington, DC. Founded in 1930, the Plan Sponsor is organized as a general partnership. The Plan Sponsor's fourteen attorneys provide legal services in commercial real estate law through their focus on the acquisition, sale, financing, leasing and taxation of real property. In addition, the Plan Sponsor advises its clients on corporate and general business law, tax, estate planning and other areas of the law. The current Owners of the Plan Sponsor are: C. Richard Beyda, Lawrence A. Miller, Gerald P. Grossberg, Linton W. Hengerer, Richard F. Levin, Brett D. Orlove, and Michael D. Ravitch.

The Plan

2. The Plan is a defined contribution plan having 24 participants as of December 31, 2016. As of December 31, 2015, the Plan had total assets of approximately $13,540,000.

The Plan is comprised of a salary reduction source (401(k)), a non-elective source (profit sharing), and a money purchase pension source (resulting from a prior plan merger). Messrs. Beyda, Miller, Grossberg, Levin, and Orlove are the Plan trustees (the Trustees), and in

[1] The Department has considered exemption applications received prior to December 27, 2011 under the exemption procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990).

[2] For purposes of this proposed exemption, references to section 406 of Title I of the Act, unless otherwise specified, should be read to refer as well to the corresponding provisions of section 4975 of the Code.

this capacity, they have investment discretion over certain of the Plan's assets. The Trustees are also owners of the Plan Sponsor.

3. Participants direct the investments in the employee-funded, salary reduction portion of the Plan into their respective individual accounts. TD Ameritrade serves as the custodian of the participant-directed accounts under a 401(k) platform. As of December 31, 2015, the employee-funded portion of the Plan held total assets of $2,502,000.

4. The Trustees direct the investments in the employer-funded, non-elective and money purchase portions of the Plan. As of December 31, 2015, the assets in the employer-funded portion of the profit sharing and the former money purchase plan assets) totaled $11,038,000. The assets in the employer-funded portion of the Plan consist of $10,461,000 in cash, and the LLC Interest described herein, with a book value of $577,000. Further, the assets of the employer-funded portion of the Plan are allocated $6,207,000 to near-retiring partners of the Plan Sponsor, and $4,831,000 to other Plan participants.

The LLC Interest

5. On October 19, 2000, the Trustees acquired a 2.59067% membership interest in the LLC for the employer-funded portion of the Plan. The business purpose of the LLC is to own, develop and operate a 30% tenants-in-common interest initially in a multifamily residential apartment project in McLean, Virginia, known as ''The Commons of McLean'' (The Commons). The LLC has a termination date of December 31, 2090, unless terminated earlier under the terms of the Articles of Organization of Common Investors, LLC (the Articles of Organization).

6. The Plan paid $250,000, in cash, for the LLC Interest. At the time of the investment, the Plan was one of approximately fifty investors in the LLC (the LLC Members). The remaining 97.40933% LLC Interests were held by individuals, non-retirement plans and individual retirement accounts. According to the Applicant, none of the other LLC Members were or are currently affiliated with or related to the Plan or the Plan Sponsor.

7. Investments from all LLC Members totaled $9,850,000. During 2000, the LLC used the funds to complete its purchase of The Commons from an unrelated party. Also to complete the purchase, the LLC borrowed $13,690,500 from an unrelated commercial lender.

8. During 2001, additional investors (unrelated to the Plan) were admitted to the LLC as LLC Members. As a result, the Plan's investment became diluted and was re-calculated by the Manager at 1.903553% of the LLC.

9. Since its inception, the LLC has engaged in multiple real estate transactions, which have included selling The Commons, and acquiring various commercial and residential buildings in Washington, DC and Northern Virginia. Through 2016, the LLC has distributed $256,535.08 to the Plan.

10. Pursuant to the LLC's Articles of Organization, a Member ''may not transfer, assign or encumber all or any part of his Membership Interest in the [LLC] without first obtaining the written consent of the Manager.'' The Trustees sought approval from the Manager to sell the LLC interest to an unrelated party. In a letter to the Trustees, dated December 22, 2015, the Manager refused to allow such sale, and also refused to purchase the LLC Interest. According to the Applicant, as a compromise, the Manager agreed to allow a sale of the LLC Interest by the Plan to an entity comprised of the Plan Sponsor's Owners.

Proposed Sale of the LLC Interest

11. To improve the Plan's liquidity, the Trustees have decided to sell the LLC interest to GYFB-Commons, an entity, that will be formed and funded by the Owners as a limited liability company under the laws of the District of Columbia, when the exemption is granted. The Applicant represents that three Owners of the Plan Sponsor, Messrs. Beyda, Miller, Grossberg, anticipate retiring in the near future. According to the Applicant, following the payouts to the ''near-retiring'' Owners, the remaining pooled investments ($4,772,000) will consist of $4,254,000 (89%) of cash securities, and the LLC Interest.

12. The proposed Sale will be a one-time transaction for cash, whereby the Plan receive no less than the fair market value of the LLC Interest as determined by qualified independent appraiser (the Independent Appraiser) in an updated appraisal on the date of the Sale. Further, the terms and conditions of the Sale are no less favorable to the Plan than the terms the Plan would receive under similar circumstances in an arm's-length transaction with an unrelated third party. Finally, the Plan will not pay any commissions, fees, or other costs or expenses associated with the Sale, including the fees of the Independent Appraiser and the costs of obtaining the exemption, if granted.

Analysis

13. Section 406(a)(1)(A) and (D) of the Act states that a fiduciary with respect to a plan shall not cause a plan to engage in a transaction if he knows or should know that such transaction constitutes a direct or indirect sale or exchange of any property between the Plan and a party in interest, or a transfer to, or use by or for the benefit of, a party in interest, of any assets of the Plan.

GYFB-Commons is a party in interest with respect to the Plan under section 3(14)(G) of the Act because once it is formed, it will be an entity that is more than 50% owned by the Owners of the Plan Sponsor. In addition, as Trustees of the Plan, Messrs. Beyda, Miller, Grossberg, Levin and Orlove are parties in interest with respect to the Plan under section 3(14)(A) of the Act because they are fiduciaries. Therefore, in the absence of a statutory or an administrative exemption, the Sale by the Plan of the LLC Interest to GYFB-Commons would violate section 406(a)(1)(A) and (D) of the Act.

Section 406(b)(1) of the Act prohibits a plan fiduciary from dealing with the assets of the plan in his own interest or for his own account. Moreover, section 406(b)(2) of the Act prohibits a plan fiduciary, in his or her individual or in any other capacity, from acting in any transaction involving the plan on behalf of a party whose interests are adverse to the interests of the plan or the interests of its participants or beneficiaries.

The Sale by the Plan of the LLC Interest to GYFB-Commons, would violate section 406(b)(1) of the Act because the Trustees, as fiduciaries, would be causing the Plan to sell the LLC Interest to themselves. In addition, the Sale would violate section 406(b)(2) of the Act because the Trustees, in approving the Sale, would be acting on both sides of the transaction.

Appraisal of LLC Interest

14. In an engagement letter dated August 25, 2015, the Trustees retained Berlin, Ramos & Company, P.A. of Rockville, Maryland (the Appraiser), to determine the fair market value of the LLC Interest. Joseph K. Speicher, a principal and shareholder of the Appraiser, was responsible for appraising the LLC Interest, and issuing an appraisal report (the Appraisal Report) to the Trustees. Mr. Speicher represents that he is a Certified Public Accountant and a Certified Valuation Analyst. In addition, Mr. Speicher represents that he, and the Appraiser, do not have a relationship with any party in interest involved in the proposed transaction that would allow

those individuals to control or materially influence him or the Appraiser, to provide an independent and accurate determination of the fair market value of the LLC Interest. In this regard, Mr. Speicher states that during 2016, the Appraiser's revenues of $42,787.19 that were derived from parties in interest with respect to the Plan represented approximately 0.42% of the Appraiser's total gross revenues of $10,100,000.

In an Appraisal Report dated May 25, 2016, Mr. Speicher determined the fair market value of LLC Interest as of September 15, 2015. Mr. Speicher limited his calculation to the ''Guideline Company Method'' under the Market Approach. In accordance with the Guideline Company Method, sales and other statistics of similar investments and sales transactions are analyzed to determine pricing multiples to be applied to the Company. Mr. Speicher represented that the multiple derived from the comparable company data is applied to the Net Asset Value of the LLC. Because each of the properties associated with the LLC was recently acquired, Mr. Speicher also stated that the fair market values of the properties and the balance of associated liabilities could be readily determined.

As of September 30, 2015, Mr. Speicher determined that the net asset values of the LLC and the LLC Interest were $46,649,682 and $888,001, respectively. After applying a Price/Net Asset Value percentage of 73% to the net asset value of the LLC Interest, Mr. Speicher decided that the value of the Plan's non-controlling, marketable interest in the LLC was $648,000. Mr. Speicher next concluded that the $648,000 estimated value of the LLC Interest should be reduced by 20% (or $129,000) due to lack of marketability, and he ultimately placed the fair market value of the LLC Interest at $518,400, as of September 30, 2015. Based on Mr. Speicher's valuation, the LLC Interest would represent approximately 4% of the Plan's assets.

In an addendum to the Appraisal Report dated November 30, 2016, Mr. Speicher concluded that there had been no material change in the value of the LLC Interest since September 30, 2015. He will update the Appraisal Report on the date of the Sale, and will provide the updated Appraisal Report to the Department, where it will be included in, and available, as part of the record developed under D–11895.

Statutory Findings

14. The Applicant represents that the proposed transaction is administratively feasible because it is a one-time, all cash transaction. In addition, no borrowing or payment terms are necessary, and the Manager of the LLC (who has sole authority to approve or deny such a transaction) has approved the proposed purchase.

The Applicant represents that the proposed transaction is in the interests of the Plan and its participants and beneficiaries because the Sale will: (a) Reduce the Plan's future administrative costs associated with its owning the LLC Interest; (b) allow the Plan to more completely diversify its investments, as appropriate; and (c) not require the Plan to pay any commissions, costs, or other expenses in connection with the proposed transaction. The Applicant also represents that the proposed transaction is protective of the rights of the Plan's participants and beneficiaries because the Sale will be for no less than the current fair market value of the LLC Interest, as determined by a qualified independent appraiser.

Summary

15. Given the conditions described below, the Department has tentatively determined that the relief sought by the Applicant satisfies the statutory requirements for an exemption under section 408(a) of the Act.

Proposed Exemption Operative Language

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011). If the exemption is granted, the restrictions of section 406(a)(1)(A) and (D) and section 406(b)(1) and (b)(2) of the Act, and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A), (D) and (E) of the Code,[3] will not apply to the proposed sale (the Sale) by the Plan of a limited liability company interest (the LLC Interest) to GYFB-Commons, LLC (GYFB-Commons), an entity that will be owned by the current partners of the law firm, Grossberg, Yochelson, Fox & Beyda, LLP (the Plan Sponsor), if the following conditions are met:

(a) The Sale of the LLC Interest is a one-time transaction for cash;

(b) The Sale price for the LLC Interest is the greater of: $518,400; or the fair market value of the LLC Interest as determined by a qualified independent appraiser (the Independent Appraiser) in an updated appraisal on the date of the Sale. The updated appraisal must be submitted to the Department within 30 days of the Sale and will be included as part of the record developed under D–11895;

(c) The terms and conditions of the Sale are no less favorable to the Plan than the terms the Plan would receive under similar circumstances in an arm's-length transaction with an unrelated third party; and

(d) The Plan pays no commissions, fees, or other costs or expenses associated with the Sale, including the fees of the Independent Appraiser and the costs of obtaining the exemption, if granted.

Notice to Interested Persons

The Applicant will provide notice of the proposed exemption to all interested persons by either hand delivery (active participants) or via U.S. mail, certified return receipt (inactive participants and/or beneficiaries) within 10 days of the date of publication of this notice of proposed exemption in the **Federal Register**. Such notice will include a copy of the proposed exemption, as published in the **Federal Register**, and a supplemental statement, as required pursuant to 29 CFR 2570.43(b)(2). The supplemental statement will inform interested persons of their right to comment on and/or to request a hearing with respect to the proposed exemption. Comments and requests for a hearing are due forty (40) days after publication of this notice in the **Federal Register**.

All comments will be made available to the public.

Warning: Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments may be posted on the Internet and can be retrieved by most Internet search engines.

FOR FURTHER INFORMATION CONTACT: Blessed Chuksorji-Keefe of the Department, telephone (202) 693–8567. (This is not a toll-free number.)

Toledo Electrical Joint Apprenticeship & Training Fund (the Training Plan or the Applicant) Located in Rossford, Ohio

[Application No. L–11867]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act (or ERISA) and in accordance with the

[3] For purposes of this proposed exemption, references to section 406 of Title I of the Act, unless otherwise specified, should be read to refer as well to the corresponding provisions of section 4975 of the Code.

procedures set forth in 29 CFR part 2570, subpart B (76 FR 46637, 66644, October 27, 2011). If the exemption is granted, the restrictions of sections 406(a)(1)(A), 406(a)(1)(D), and 406(b)(1) and 406(b)(2) of the Act, shall not apply to the Purchase (the Purchase) by the Training Plan of certain unimproved real property (the Property) from the International Brotherhood of Electrical Workers Local Union No. 8 Building Corporation (the Building Corporation), a party in interest with respect to the Training Plan.

Summary of Facts and Representations [4]

The Training Plan

1. The Training Plan was established in November 1992 pursuant to a trust agreement (the Trust Agreement) entered into between the Toledo Chapter of the National Electrical Contractors Association, Inc. (the Contractors Association) [5] and Local Union No. 8 of the International Brotherhood of Electrical Workers (the Union). The Training Plan was established to finance education and training programs sponsored by the Joint Apprenticeship Training Committee (the JATC).

The Training Plan provides training programs in electrical, rigging and other electrical construction skills to members of the Union. The Training Plan currently carries out its training functions in a 32,000 square foot training facility located at 803 Lime City Road, Rossford, Ohio (the Existing Training Facility).

The Training Plan is jointly administered by a board of trustees (the Trustees), consisting of equal representation from Employer Trustees that are affiliated with the Contract Association (the Employer Trustees) and Union Trustees that are affiliated with the Union (the Union Trustees). Pursuant to the Trust Agreement, the Trustees have the discretionary authority to manage, control and invest the assets of the Training Plan. As of December 31, 2015, the Training Plan covered 1,179 participants and had approximately $6,765,000 in total assets, which included approximately $3,760,000 in cash and cash equivalents and $3,005,000 in other assets, such as property, equipment and deposits.

The Building Corporation

2. The Building Corporation is a non-profit corporation, wholly-owned by the Union. The Building Corporation was formed to hold title to real property and collect and hold income on behalf of the Union. The Building Corporation is managed by an eleven member board of trustees, which is comprised of officers of the Building Corporation and the Union.

The Property

3. Among the assets of the Building Corporation is a 2.5 acre parcel of vacant and unimproved land that is located at 1129 Electrical Industrial Court, Rossford, Ohio. The Property is adjacent to the Training Plan's Existing Training Facility. The Building Corporation acquired the Property on August 26, 2011, from the Labor Management Cooperation Committee, Inc. (the LMCC), an entity affiliated with both the Union and the Building Corporation for an unknown acquisition price. The Building Corporation currently holds title to the Property, which is free and clear of any mortgage or other encumbrance.

Exemption Request

4. The Training Plan seeks to purchase the Property from the Building Corporation. In this regard, if this exemption is granted, the Training Plan intends to utilize the Property to expand the size of its Existing Training Facility from 32,000 square feet to approximately 40,000 square feet. Pursuant to its stated expansion plans, the Training Plan will construct a 7,500 square foot pre-engineered building that will include 17 classrooms, 2 shop areas, a multipurpose room, and an administrative office area (the New Training Facility). The New Training Facility will accommodate training in rigging, cranes, forklifts, and other skills that the Existing Training Facility cannot provide. Based on preliminary cost estimates from local construction companies, the Applicant represents that the New Training Facility will cost approximately $240,000.

The Training Plan also intends to install a solar energy field (the Solar Field) on the Property to train Training Plan participants in solar panel installation and maintenance. The Applicant represents that Solar Field will cost approximately $760,000 to construct. The Applicant also represents that the seller of the solar panels will not be a party in interest with respect to the Training Plan, and that electricity generated by the solar panels will be for the sole use and benefit of the Training Plan. Further, the Applicant represents that installation work for the Solar Field will be undertaken by electrical apprentices and journeypersons, as part of their respective training.

The Purchase

5. In connection with the request for an exemption, the Training Plan has submitted a Real Estate Purchase Agreement which will govern the terms of the Purchase (the Purchase Agreement). As stated in the Purchase Agreement, the Training Plan will pay cash to acquire the Property and will not finance any portion of the purchase price. As also stated in the Purchase Agreement, the Training Plan will not pay any real estate fees, commissions or other expenses in connection with the Purchase, with the exception of the fees noted above.

A qualified independent fiduciary (the Independent Fiduciary) will represent the interests of the Training Plan with respect to the proposed transaction. The Independent Fiduciary will base the fair market value of the Property on an appraisal report (the Appraisal Report) that has been prepared of the Property by a qualified independent appraiser (the Independent Appraiser) on the date of the Purchase. The purchase price for the Property will be reduced by the total fees paid by the Training Plan for: (a) Independent Fiduciary services; (b) Independent Appraiser services; (c) environmental assessments of the Property; (d) feasibility studies of the Property; (e) closing costs associated with the Purchase; and (f) attorney's fees.[6]

As reflected in meeting minutes, the Union Trustees recused themselves from participation in the decision to acquire the Property on behalf of the Training Plan. Only the Employer Trustees voted in favor of proceeding with the proposed Purchase.

Finally, the Purchase will not be part of an agreement, arrangement, or understanding that is designed to benefit the Union. Further, the terms and conditions of the Purchase will be at least as favorable to the Training Plan as those obtainable in an arm's-length transaction with an unrelated party.

Analysis

6. The Applicant represents that the proposed Purchase violates sections 406(a)(1)(A), 406(a)(1)(D), 406(b)(1), and

[4] The Summary of Facts and Representations is based on the Applicant's representations and does not reflect the views of the Department, unless indicated otherwise.

[5] The Applicant represents that the Toledo Chapter of the National Electrical Contractors Association, Inc. is an association of contractors that negotiates with unions to set wages, hours and terms of conditions of apprentices and journeymen.

[6] The Applicant represents that as of March 24, 2017, the Training Plan has incurred expenses totaling $13,255.75 in connection with the proposed Purchase. These expenses include fees for the Independent Appraiser, the Independent Fiduciary and for legal services rendered in connection with the proposed Purchase.

406(b)(2) of the Act. Section 406(a)(1)(A) of the Act provides, in part, that a fiduciary with respect to a plan shall not cause a plan to engage in a transaction if the fiduciary knows or should know that such transaction constitutes a direct or indirect sale of any property between a plan and a party in interest. Section 406(a)(1)(D) of the Act provides that a fiduciary with respect to a plan shall not cause a plan to engage in a transaction if the fiduciary knows or should know that such transaction constitutes a direct or indirect transfer to, or use by or for the benefit of, a party in interest, of any assets of the plan.

In addition, Section 3(14)(A) of the Act defines the term ''party in interest'' to include a fiduciary, such as the Trustees. Section 3(14)(D) of the Act defines the term ''party in interest'' to include an employee organization whose members are covered by a plan, such as the Union. Section 3(14)(G) of the Act defines the term ''party in interest'' to include a corporation of which 50% or more of the combined voting power of all classes of stock entitled to vote are owned directly or indirectly or held by an employee organization, such as the Building Corporation. Thus, in the absence of a statutory or administrative exemption, the proposed Purchase would violate section 406(a)(1)(A) and section 406(a)(1)(D) of the Act.

Section 406(b)(1) of the Act prohibits a fiduciary from dealing with the assets of the plan in such fiduciary's own interest or for such fiduciary's personal account. Section 406(b)(2) of the Act prohibits a fiduciary from acting in such fiduciary's individual or other capacity in any transaction involving the plan on behalf of a party (or from representing a party) whose interests are adverse to the interests of the Plan, or the interests of the Plan participants and beneficiaries.

Section 406(b)(2) of the Act prohibits a fiduciary from acting in such fiduciary's individual or other capacity in any transaction involving the plan on behalf of a party (or from representing a party) whose interests are adverse to the interests of the Plan, or the interests of the Plan participants and beneficiaries. As Trustees to the Training Plan and Union officers, the Union Trustees would be engaged in a prohibited act of self-dealing by causing the Training Plan to purchase the Property from the Union. The Union Trustees would also have divided loyalties in representing both the interests of the Training Plan and the Union with respect to the transaction. Therefore, the proposed Purchase would also violate section 406(b)(1) and section 406(b)(2) of the Act.

The Independent Fiduciary

7. The Trustees have retained Bennett Speyer and Reed Hauptman of the law firm, Shumaker, Loop and Kendrick, LLP of Toledo, Ohio, to serve as the Independent Fiduciary for the Training Plan. The Independent Fiduciary represents that it has extensive experience in representing sponsors and fiduciaries of employee benefit plans. Further, the Independent Fiduciary represents that it has substantial knowledge and experience in real estate transactions and the due diligence customarily associated with such transactions.

Mr. Hauptman, who is a member of the Independent Fiduciary's management committee, is admitted to practice law in Ohio and Michigan and has 16 years of experience in real estate finance and development, land use planning, and business law. Mr. Speyer, who is also admitted to practice law in Ohio, has 25 years of experience in employee benefits law, including ERISA.

8. Messrs. Hauptman and Speyer represent that they are independent of and unrelated to the Union and the Building Corporation, and that they will not directly or indirectly receive any compensation or other consideration for their own account in connection with the Purchase, except for fees received in connection with their Independent Fiduciary duties. In addition, Messrs. Hauptman and Speyer represent that the annual compensation received by their law firm in connection with the Purchase is less than 0.5% of the firm's annual revenues for the year 2015.

9. In representing the interests of the Training Plan, the Independent Fiduciary will: (a) Determine whether the Purchase is in the interests of, and protective of, the Training Plan and the Training Plan participants; (b) review, negotiate, and approve the terms and conditions of the Purchase; (c) review and approve the methodology used by the Independent Appraiser in the Appraisal Report to ensure such methodology is consistent with sound principles of valuation, prior to the consummation of the Purchase; (d) ensure that the appraisal methodology is properly applied by the Independent Appraiser in determining the fair market value of the Property on the date of the Purchase, and determine whether it is prudent to proceed with such transaction; (e) represent the Training Plan's interests for all purposes with respect to the Purchase; and (f) not later than 90 days after the Purchase is completed, submit a written statement to the Department confirming that the purchase price paid by the Training Plan for the Property met the requirements of the exemption.

The Independent Fiduciary Report

10. In the Independent Fiduciary Report, the Independent Fiduciary concludes that the proposed Purchase will provide the Training Plan with the opportunity to expand and improve its training offerings, which will help Training Plan participants remain competitive in the electrical construction industry. The Independent Fiduciary also concludes that Training Plan participants will benefit from the ease and accessibility of a campus arrangement by consolidating a variety of training opportunities into a single location.

11. The Independent Fiduciary represents that an expansion of the Existing Training Facility is necessary and in the best interest of Training Plan participants because the Training Plan is currently limited in its training capacity and offerings due to the limited size of the Existing Training Facility. The Independent Fiduciary represents that the Purchase will allow the Training Plan to expand the Existing Training Facility with minimal difficulty or hardship to the Training Plan's participants. The Independent Fiduciary explains that characteristics of the Property make it uniquely suited to the Training Plan's needs because: (a) The 2.5 acres of land comprising the Property are vacant, unimproved, nearly level and unshaded; (b) there are no recognized environmental conditions affecting the Property; and (c) zoning on the Property permits the construction of a solar field. The Independent Fiduciary also notes that a feasibility study of the Property concluded that the Property is the most desirable location for the Training Plan's construction of the Solar Field.

12. The Independent Fiduciary represents that the terms and conditions of the proposed Purchase are at least as favorable to the Training Plan as those obtainable in an arm's-length transaction with an unrelated party. In this regard, the Independent Fiduciary notes that the Building Corporation will pay all real estate taxes and assessments due and payable as of the closing date of the proposed Purchase, as well as all applicable transfer taxes and conveyance fees.

13. The Independent Fiduciary represents that it has reviewed the title commitment for the Property and has confirmed ownership of the Property by the Building Corporation. The

Independent Fiduciary also represents that it has verified with the City of Rossford Zoning Inspector that the current zoning of the Property allows for the construction of the Solar Field and the New Training Facility.

14. The Independent Fiduciary represents that the Training Plan has sufficient assets to pay for the acquisition of the Property and the planned improvements. In this regard, the Independent Fiduciary states that: (a) The Training Plan's operations are adequately funded through employer contributions on an ongoing basis; (b) the acquisition cost of the Property will involve approximately 1.4% of the Training Plan's total assets; and (c) the planned improvements will involve approximately 16.2% of the Training Plan's total assets. The Independent Fiduciary concludes that these costs will not have a material effect on the operation of the Training Plan.

The Independent Appraiser

15. The Independent Fiduciary has retained Martin + Wood Appraisal Group of Toledo, Ohio to render an opinion of the fair market value of the Property. The Independent Appraiser is a professional real estate appraisal and consulting firm located in Toledo, Ohio. Hubert L. Winegardner and Kenneth Wood have undertaken the specific duties of the Independent Appraiser. Mr. Winegardner is a Certified General Real Estate Appraiser with approximately 11 years of appraisal experience. Mr. Wood, a Review Appraiser and a Certified General Real Estate Appraiser with approximately 23 years of appraisal experience, is the President/CEO of the Independent Appraiser.

16. The Independent Appraiser represents that its fee for appraisal services provided in connection with the proposed Purchase represents less than 0.5% of its annual revenues in 2014 and 2015, which are the years it has provided such services.

17. In valuing the Property, the Independent Appraiser utilized the Sales Comparison Approach to valuation. As the Independent Appraiser explains in the Appraisal Report, ''the Sales Comparison Approach is frequently considered the most reliable indicator of value, as it directly reflects prices currently being paid for comparable properties within the local market. This approach, according to the Independent Appraiser, typically provides a highly supportable estimate of value for relatively homogeneous properties where adjustments are few and relatively simple to compute.'' After taking four comparable sales and one listing into consideration, the Independent Appraiser estimated the value of the Property to be $110,000, as of February 9, 2015. The Independent Appraiser will update the Appraisal Report on the date of the Purchase.

The Environmental Assessment

18. To further examine the appropriateness of the Property for the Training Plan's desired use, the Independent Fiduciary commissioned a Phase I Environmental Site Assessment to identify recognized environmental conditions on the Property. On September 4, 2013, Watterson Environmental & Facilities Management of Sylvania, Ohio, an unrelated party, completed a Phase I Environmental Site Assessment of the Property (the Environmental Assessment) which revealed no evidence of any Recognized Environmental Conditions in connection with the Property. The Environmental Assessment also noted that there were no visual indications of aboveground or underground storage tanks or any indication of historic underground storage tanks on the Property.

Statutory Findings

19. The Applicant states that the proposed Purchase will involve a one-time transaction that will require no financing, as the Training Plan will pay for the purchase and subsequent construction of the New Training Facility and the Solar Field using available cash. Additionally, the Applicant emphasizes that the proposed Purchase will be carried out under the supervision and direction of the Independent Fiduciary, who will represent the Plan in all aspects of the transaction.

20. The Applicant represents that the proposed Purchase is in the interest of the Plan and its participants and beneficiaries and are protective of their rights. In this regard, the Applicant states that the Training Plan's acquisition of the Property and the subsequent construction of the New Training Facility and the Solar Field will provide Training Plan participants with an expanded, updated, modernized and fully owned training facility which will allow participants to train and develop their electrical tradesmen skills and to adapt with changes in the electrical construction industry. In addition, due to the proximity of the Property to the Training Plan's Existing Training Facility, the Applicant represents that Training Plan participants will benefit from the ease and accessibility of a campus arrangement in which they will have access to a variety of training opportunities at a single location.

Summary

21. Given the conditions described below, the Department has tentatively determined that the relief sought by the Applicant satisfies the statutory requirements for an exemption under section 408(a) of the Act.

Proposed Exemption Operative Language

The Department is considering granting an exemption under the authority of section 408(a) of the Act (or ERISA) and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 46637, 66644, October 27, 2011). If the exemption is granted, the restrictions of sections 406(a)(1)(A), 406(a)(1)(D), 406(b)(1) and 406(b)(2) of the Act, shall not apply to the Purchase by the Training Plan of the Property from the Building Corporation, a party in interest with respect to the Training Plan, provided that the following conditions are satisfied:

(a) The Purchase is a one-time transaction for cash;

(b) The purchase price paid by the Training Plan to the Building Corporation is equal to the fair market value of the Property, as determined by a qualified independent fiduciary (the Independent Fiduciary), based upon an appraisal of the Property (the Appraisal Report) by a qualified independent appraiser (the Independent Appraiser) on the date of the Purchase, *less* the total fees paid by the Training Plan for: (i) Independent Fiduciary services; (ii) Independent Appraiser services; (iii) environmental assessments of the Property; (iv) feasibility studies of the Property; (v) closing costs associated with the Purchase; and (vi) attorney's fees.

(c) The Training Plan trustees appointed by the Union (the Union Trustees) recuse themselves from all aspects relating to the decision to purchase the Property on behalf of the Training Plan;

(d) With respect to the Purchase, the Independent Fiduciary undertakes the following duties on behalf of the Training Plan:

(1) Determines whether the Purchase is in the interests of, and protective of the Training Plan and the Training Plan participants;

(2) Reviews, negotiates, and approves the terms and conditions of the Purchase;

(3) Reviews and approves the methodology used by the Independent Appraiser in the Appraisal Report to

ensure such methodology is consistent with sound principles of valuation, prior to the consummation of the Purchase;

(4) Ensures that the appraisal methodology is properly applied by the Independent Appraiser in determining the fair market value of the Property on the date of the Purchase, and determines whether it is prudent to proceed with such transaction;

(5) Represents the Training Plan's interests for all purposes with respect to the Purchase; and

(6) Not later than 90 days after the Purchase is completed, submits a written statement to the Department demonstrating that the Purchase has satisfied the requirements of Condition (b), above;

(e) The Training Plan does not incur any fees, costs, commissions or other charges as a result of the Purchase, with the exception of the fees reimbursed by the Building Corporation, as set forth in Condition (b);

(f) The Purchase is not part of an agreement, arrangement, or understanding designed to benefit the Union; and

(g) The terms and conditions of the Purchase are at least as favorable to the Training Plan as those obtainable in an arm's-length transaction with an unrelated party.

Notice to Interested Persons

The persons who may be interested in the publication in the **Federal Register** of the Notice of Proposed Exemption (the Notice) include all individuals who are participants in the Plan. It is represented that such interested persons will be notified of the publication of the Notice by first class mail to such interested person's last known address within 15 days of publication of the Notice in the **Federal Register**. Such mailing will contain a copy of the Notice, as it appears in the **Federal Register** on the date of publication, plus a copy of the Supplemental Statement, as required, pursuant to 29 CFR 2570.43(b)(2), which will advise all interested persons of their right to comment on and/or to request a hearing. All written comments or hearing requests must be received by the Department from interested persons within 45 days of the publication of this proposed exemption in the **Federal Register**.

All comments will be made available to the public.

Warning: Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments may be posted on the Internet and can be retrieved by most Internet search engines.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Brennan of the Department at (202) 693–8456. (This is not a toll-free number.)

Health Management Associates, Inc. Retirement Savings Plan (the HMA Plan) and The Mooresville Retirement Savings Plan (the Mooresville Plan) (together, the Plans or the Applicants) Located in Naples, FL

[Application Nos. D–11929 and D–11930, respectively]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act (or ERISA) and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011).

If the proposed exemption is granted, the restrictions of sections 406(a)(1)(E), 406(a)(2) and 407(a)(1)(A) of the Act, shall not apply, effective January 27, 2014 (the Effective Date), to: (1) The acquisition by the Plans of contingent value rights (CVRs) received by the Plans in connection with the merger (the Merger Transaction) of FWCT–2 Acquisition Corporation (Merger Sub), a wholly-owned subsidiary of Community Health Systems, Inc. (CHS), with and into Health Management Associates, Inc. (HMA), with HMA surviving as a wholly owned subsidiary of CHS; and (2) the holding of the CVRs by the Plans.

Summary of Facts and Representations [7]

HMA

1. HMA, a Delaware corporation, operates general acute care hospitals and other health care facilities in 15 states. As of December 31, 2013, HMA had total assets of approximately $6,384,651 and total stockholders' equity of approximately $776,281. As of the same date, there were approximately 264,495,000 shares of common stock of HMA (HMA Common Stock) issued and outstanding.

The Plans

2. HMA sponsors the HMA Plan and the Mooresville Plan. The Plans are individual account plans that are intended to qualify under section 401(a) of the Internal Revenue Code of 1986, as amended (the Code), and include a qualified cash or deferred arrangement described in section 401(k) of the Code. The Plans allow participants to direct the investment of their accounts under such Plans in various available investment alternatives that included, prior to the Merger Transaction, HMA Common Stock.

As of January 27, 2014, the date of the Merger Transaction, the HMA Plan had approximately 45,160 participants and beneficiaries and total assets of $824,529,117.14. As of the same date, the Mooresville Plan had 742 participants and total assets of $17,135,730.98.

As of January 24, 2014, the last trading day of the Shares prior to the closing of the Merger Transaction, 4,622,384.871 Shares of HMA Common Stock were held by the HMA Plan in accounts maintained for 15,824 participants, representing approximately 35% of the participants in such Plan. These Shares had an aggregate fair market value of $61,523,577.97, or approximately 7.46% of the aggregate fair market value of the HMA Plan's total assets, and represented approximately 1.75% of the 264,136,278.34 Shares that were issued and outstanding as of that date.

Similarly, as of January 24, 2014, 144,854.422 Shares of HMA Common Stock were held by the Mooresville Plan in accounts maintained for 288 participants, representing approximately 39% of the participants in such Plan. These Shares had an aggregate fair market value of $1,927,964.29, or approximately 11.25% of the aggregate fair market value of the Mooresville Plan's total assets, and represented approximately 0.05% of the 264,136,278.34 Shares that were issued and outstanding as of that date.

Prior to the closing of the Merger Transaction, Prudential Bank and Trust, FSB, served as the Plans' trustee, and the Plans were administered by the HMA Retirement Committee. Following the Merger Transaction, Delaware Charter Guarantee and Trust Company (d/b/a ''Principal Trust Company'') began serving as the Plan's directed trustee, and the CHS Committee administers the Plans.

CHS

3. CHS, a Delaware corporation, provides healthcare services in non-urban and selected urban markets throughout the United States. CHS's common stock is listed on the NYSE under the symbol ''CYH.'' As of the end of the most recent accounting period prior to the Merger Transaction, CHS

[7] The Summary of Facts and Representations is based on the Applicants' representations and does not reflect the views of the Department, unless indicated otherwise.

had total assets of $17,117,295,000 and total stockholders' equity of $3,067,827,000.

The Merger Agreement

4. On July 29, 2013, the Boards of Directors of HMA and CHS each approved the Merger Agreement, which was entered into on the same date by HMA, CHS and Merger Sub.[8] The Merger Agreement, as amended on September 24, 2013, provided for Merger Sub to merge with and into HMA, with HMA surviving as an indirect, wholly owned subsidiary of CHS. In addition, the Merger Agreement provided that upon the closing of the Merger Transaction, each Share outstanding of HMA Common Stock, immediately prior to the effective time of the Merger Transaction, would be cancelled and converted into an HMA shareholder's right to receive: (a) $10.50 in cash, without interest; (b) 0.06942 shares of CHS Common Stock; and (c) one CVR (together, the Merger Consideration).

The terms of the Merger Transaction were negotiated at arm's-length and approved by the HMA and CHS Boards.

HMA's Pre-Merger Steps

5. HMA took certain steps prior to the Merger Transaction in preparation for the acquisition of CVRs by the Plans. In this regard, certain provisions of the Plans and the Trust Agreements relating to the employer securities were amended to accommodate the acquisition and holding of the CVRs. In addition, notice of the Merger (the Notice), dated November 22, 2014, was provided to HMA shareholders (HMA Shareholders) who held HMA Common Stock as of the close of business on November 22, 2013 (the Record Date), including participants of the Plans.[9]

In addition to the Notice, a separate notice (the Supplemental Notice) was sent to participants and beneficiaries of the Plans on January 10, 2014. The Supplemental Notice explained that participants in the Plans had the opportunity until 2:00 p.m. (Eastern time) on the business day immediately preceding the time of the Merger Transaction, to elect to move any portion of their accounts in the Plans that was invested in HMA Common Stock from that investment into other investment alternatives under the applicable Plan if the participants did not wish to receive the Merger Consideration.

The Merger Transaction

6. A special meeting to vote on the Merger Transaction was held on January 8, 2014. As of the Record Date (*i.e.,* November 22, 2013), there were 264,495,187 Shares of HMA Common Stock outstanding and entitled to vote on the proposed Merger Transaction. The Plans' trustee, which held 5,198,842 Shares of HMA Common Stock on behalf of 15,824 participants in the HMA Plan, and 159,854 Shares of HMA Common Stock on behalf of 288 participants in the Mooresville Plan. The HMA Common Stock held by the HMA Plan represented 1.95% of the outstanding Shares. The HMA Common Stock held by the Mooresville Plan represented 0.06% of the outstanding Shares.

More than 99% of the votes, or 216,027,614 votes cast, were in favor of the Merger Transaction, and on January 27, 2014, HMA became a wholly-owned subsidiary of CHS. The acquisition of the CVRs by the Plans occurred on the same terms, and in the same manner, as the acquisition of CVRs by all other shareholders of HMA Common Stock who acquired CVRs. Shares held by participants in the HMA Plan were converted into the HMA Plan participants' right to receive collectively: (a) $48,535,041.15 in cash; (b) 320,885.958 shares of CHS common stock (valued at $40.48 per Share, or an aggregate value of $12,989,463.57, as of the close of trading on January 27, 2014); and (c) 4,622,384.871 CVRs (with a value of $0.05 per Share, or an aggregate value of $231,119.24, as of the close of trading on January 27, 2014).

Shares held by Mooresville Plan participants were converted into the right by such participants to receive collectively: (a) $1,520,971.43 in cash; (b) 10,055.794 shares of CHS common stock (valued at $40.48 per Share, or an aggregate value of $407,058.54, as of the close of trading on January 27, 2014); and (c) 144,854.422 CVRs (with a value of $0.05 per Share, or an aggregate value of $7,242.72, as of the close of trading on January 27, 2014).

The CVRs

7. The CVRs are unsecured, contingent payment obligations of CHS that are subordinated in right of payment to the prior payment in full of all senior obligations of CHS. They were issued by CHS pursuant to a CVR Agreement that was executed on January 27, 2014 by and between CHS and American Stock Transfer & Trust Company, LLC (the CVR Trustee), an unrelated party, and filed with the Securities Exchange Commission by CHS on January 28, 2014.

CHS is obligated under the CVR Agreement to use reasonable best efforts to ensure that the CVRs are traded on a national securities exchange, and they are currently listed on the NASDAQ Stock Market under the symbol ''CYHHZ.'' The issuance of the CVRs was registered under the Securities Act of 1933 and the Securities Exchange Act of 1934, as amended.

8. Under the CVR Agreement, CHS is required to pay to the CVR Trustee, and the CVR Trustee is required to pay to the CVR holders, $1.00 per CVR (the CVR Payment Amount) promptly upon the final resolution (Final Resolution) [10] of certain existing litigation (the Existing Litigation),[11] subject to certain reductions. CHS will keep the CVR Trustee and the CVR holders informed with respect to the status of the Existing Litigation, which may be accomplished

[8] FWCT–2 Acquisition Corporation (*i.e.,* Merger Sub), a Delaware corporation, was created as an indirect, wholly-owned subsidiary of CHS. Merger Sub existed solely for the purpose of engaging in the Merger Transaction.

[9] The Applicants have confirmed that the Plan participants with HMA Common Stock allocated to Plan accounts were allowed to vote on the Merger Transaction, just as were all of the other holders of HMA Common Stock.

[10] According to the CVR Agreement, the term ''Final Resolution'' refers to CHS's: (a) Receipt of written confirmation from a court, or a governmental or regulatory entity that such entity has closed its investigation into HMA with respect to certain Existing Litigation, as discussed in the footnote below; or (b) resolution of the Existing Litigation through a written settlement agreement, consent decree or other final non-appealable court judgment.

[11] According to the CVR Agreement, the term ''Existing Litigation'' refers to any litigation, investigation, or other action involving the U.S. Department of Health and Human Services Office of Inspector General, the U.S. Department of Justice, the SEC or any other domestic (federal or state) or foreign court, commission, governmental body, regulatory or administrative agency or other political subdivision thereof, relating to whether HMA or any of its affiliates (other than, for the avoidance of doubt, CHS and its subsidiaries) violated any law, and any civil litigation or other action, arising out of or relating to the foregoing, in each case existing on or prior to the date of the Merger Agreement. However, the Existing Litigation does not include any litigation, investigation or other action or proceeding involving only individuals or entities other than HMA, unless HMA is required to indemnify losses (Losses) incurred by those individuals or entities.

In addition, the CVR Agreement defines the term ''Losses'' to mean the amount of all losses, damages costs, fees and expenses, fines, penalties, settlement amounts, or indemnification obligations and other liabilities arising out of or relating to the Existing Litigation that are paid by CHS or any of its affiliates (including HMA) prior to the date of the CVR Payment Amount. However, Losses do not include: (a) The costs associated with any change to HMA's policies, procedures or practices; or (b) the loss of any (1) licenses or (2) rights and privileges to participate in government sponsored programs, even if required under a settlement agreement, consent decree, or other final non-appealable court judgment. The amount of any Losses will be net of any amounts actually recovered by CHS or any of its wholly-owned subsidiaries under insurance policies.

through its public reporting requirements.

On a date established by CHS that is not later than thirty (30) days after the date on which Final Resolution of the Existing Litigation occurs, CHS will deliver the CVR Payment Amount to the CVR Trustee and provide notice of the calculation made to determine the CVR Payment Amount to the CVR holders.[12] The CVR Trustee, acting as the paying agent, will then pay to each CVR holder the amount in cash equal to the CVR Payment Amount multiplied by the number of CVRs held by such holder.

According to the Applicants, there is no set date for when the Final Resolution of the Existing Litigation must occur, and thus there is no termination date for payment of the CVRs. In the event CHS fails to make timely payment, the CVR Trustee may, by written notice to CHS, or upon the written request by thirty percent (30%) or more of the CVR holders to CHS and to the CVR Trustee, bring suit to obtain payment for any amounts due and payable. Interest will accrue on unpaid amounts at a rate equal to the prime rate plus three percent.

In addition, the CVR Trustee will certify to the Department that the CVR Payment Amount has been properly calculated for each affected participant in the Plans. The CVR Trustee will also certify to the Department that no excess portion of the CVR Payment Amount reverts to CHS, its successors, or their affiliates.

9. The CVR Agreement also provides that each CVR holder has the right to sell his or her CVRs at any time. The rights of a CVR holder will remain in effect until all payment obligations under the CVR Agreement are satisfied or have terminated. Such rights will not lapse by reason of a failure on the part of the CVR holder to take timely action.

10. The Applicants state that holders of CVRs, including participants in the Plans, have exercised their rights under the CVR Agreement to sell CVRs. The Applicants state that of the approximately 4,767,239 CVRs received by the Plans, approximately 2,763,642 CVRs were still held by the Plans as of May 15, 2017. As such, the Applicants state that approximately 2,003,597 of the CVRs had been sold as of the same date.[13] The Applicants state that all such sales of CVRs have been exclusively on the open market and initiated by the Participants in such Plans, rather than by CHS. The Applicants state that CVRs are routinely traded in open market transactions through the NASDAQ Stock Market under the symbol ''CYHHZ.''

Fairness Opinions

11. In a letter dated July 29, 2013, Morgan Stanley & Co. LLC (Morgan Stanley), a global financial services firm engaged in the securities, investment management and individual wealth management businesses, advised HMA that the Merger Consideration to be received by HMA Shareholders pursuant to the Merger Agreement was ''fair,'' from a financial point of view. Also, in letters dated November 12, 2013, Lazard Frères & Co. LLC (Lazard), an independent financial advisory and asset management firm, and UBS Securities LLC (UBS), a global investment bank, advised HMA that the Merger consideration to be received by the holders of HMA common stock in the Merger Transaction was ''fair,'' from a financial point of view, to such holders.

Morgan Stanley, Lazard, and UBS (together, the Fairness Advisers), among other things, (a) reviewed certain publicly available business and financial information of HMA and CHS, respectively; (b) reviewed certain financial projections prepared by the managements of HMA and CHS, respectively; (c) reviewed the projected synergies anticipated by the management of CHS from the Merger Transaction; (d) held discussions with senior executives of HMA and CHS with respect to the businesses and prospects of HMA and CHS, respectively; (e) reviewed the reported prices and trading activity for HMA Common Stock and CHS Common Stock; (f) reviewed the potential pro forma financial impact of the Merger Transaction on CHS based on certain financial studies; and (g) performed such other review and analyses and considered such other factors as deemed appropriate. The Fairness Advisers issued their opinions to the HMA Board, and made no recommendations as to how the HMA Shareholders should vote with respect to the Merger Transaction.

Requested Relief/Analysis

12. The Applicants have requested an administrative exemption from the Department for: (a) The acquisition by the Plans of CVRs in connection with the Merger Transaction; and (b) the holding of the CVRs by the Plans. If granted, the exemption would be effective as of January 27, 2014, and it would also apply to successor plans to the current Plans.

Section 406(a)(1)(E) of the Act prohibits the acquisition on behalf of a plan of any ''employer security'' in violation of section 407(a). Section 406(a)(2) of the Act prohibits a fiduciary who has authority or discretion to control or manage the assets of a plan to permit such plan to hold any ''employer security'' if he knows or should know that the holding of such security violates section 407(a) of the Act. Section 407(a) of the Act prohibits a plan from acquiring or holding employer securities that are not ''qualifying employer securities.'' Section 407(d)(5) defines the term ''qualifying employer securities,'' in relevant part, as an employer security which is stock or a marketable obligation.

The Applicants represent that, as registered securities issued by CHS, the CVRs constitute ''employer securities'' under section 407(d)(1)[14] of the Act. However, the CVRs are not stock and may not constitute ''marketable obligations'' within the meaning of section 407(e)[15] of the Act. Accordingly, the Plans' acquisition of the CVRs from CHS and their holding of the CVRs may constitute an acquisition and holding by the Plans of employer securities that are not qualifying employer securities, in violation of sections 406(a)(1)(E), 406(a)(2), and 407(a)(1)(A) of the Act.

Rationale for the Transactions

13. In light of the foregoing prohibitions, the Applicants represent that HMA considered whether it would better serve the interests of participants and beneficiaries in the Plans to remove HMA Common Stock from the Plans prior to the Merger Transaction or to retain HMA Common Stock in the Plans and apply for exemptive relief covering the CVRs received by the Plans in the Merger. According to the Applicants, HMA determined that a decision to eliminate HMA Common Stock from the Plans would deprive participants and beneficiaries with interests in HMA Common Stock of the ability to realize the full value of the consideration that would be paid to other shareholders, by forcing a pre-closing sale and effectively depriving participants of investment

[12] The Applicants state that, pursuant to Section 3.1(e) of the CVR Agreement, if the CVR Payment Amount is greater than zero, CHS will deliver cash to the paying agent within sixty (60) days of the date on which Final Resolution occurs.

[13] The Applicants state that a breakdown of the sale of CVRs sold by each Plan is not readily available.

[14] Section 407(d)(1) of the Act defines the term ''employer security'' to mean, in relevant part, a security issued by an employer of employees covered by the plan, or by an affiliate of such employer.

[15] Section 407(e) of the Act defines the term ''marketable obligation'' to mean, in relevant part, a bond, note, or certificate, or other evidence of indebtedness.

discretion, including the discretion to retain an investment in CVRs.

Statutory Findings

14. The Applicants represent that the proposed exemption is administratively feasible because the acquisition of the CVRs by the Plans was a one-time transaction. The Applicants represent that the proposed exemption is in the interest of the Plans' participants and beneficiaries because it maximizes their ability to realize the full value of the consideration offered in exchange for their interests in HMA Common Stock by continuing to give them the discretionary ability to hold or sell the employer securities allocated to their accounts. The Applicants represent that a pre-closing sale of HMA Common Stock by the Plans would preclude the Plans' participants from choosing to hold CVRs within the Plans and thereby retain the possibility of substantial future payouts, and would instead force them to settle for the current implied market value of the CVRs.

Finally, the Applicants represent that the proposed exemption is protective of the rights of the Plans' participants and beneficiaries because it permits them to realize the same benefits as other shareholders in connection with the Merger Transaction. The Applicants state that the conditions of the exemption ensure that participants have the same rights with respect to CVRs allocated to their accounts under the Plans as other holders of CVRs.

Summary

15. Given the conditions described below, the Department has tentatively determined that the relief sought by the Applicants satisfies the statutory requirements for an exemption under section 408(a) of the Act.

Proposed Exemption Operative Language

Section I. The Transactions

If the proposed exemption is granted, the restrictions of sections 406(a)(1)(E), 406(a)(2) and 407(a)(1)(A) of the Act, shall not apply, effective January 27, 2014, to:

(1) The acquisition by the Plans of contingent value rights (CVRs) received by the Plans in connection with the merger (the Merger Transaction) of FWCT–2 Acquisition Corporation (the Merger Sub), a wholly-owned subsidiary of Community Health Systems, Inc. (CHS), with and into Health Management Associates, Inc. (HMA), with HMA surviving as a wholly owned subsidiary of CHS; and

(2) The holding of the CVRs by the Plans.

Section II. General Conditions

(a) The receipt of the CVRs by the Plans occurred in connection with the Merger Transaction, which was approved by ninety-nine percent (99%) of the shareholders of common stock of HMA (HMA Common Stock);

(b) For purposes of the Merger Transaction, all HMA Common Stock shareholders, including the Plans, were treated in the same manner;

(c) The acquisition of the CVRs by the Plans occurred on the same terms, and in the same manner, as the acquisition of CVRs by all other shareholders of HMA Common Stock who acquired CVRs;

(d) The terms of the Merger Transaction were negotiated at arm's-length;

(e) No fees, commissions or other charges are paid by the Plans with respect to the acquisition and holding of the CVRs by the Plans;

(f) Morgan Stanley & Co. LLC (Morgan Stanley), Lazard Frères & Co. LLC (Lazard) and UBS Securities LLC (UBS) advised HMA that the consideration received by HMA shareholders (HMA Shareholders), including participants of the Plans, in exchange for their Shares was ''fair,'' from a financial point of view;

(g) The Plans have not and will not acquire or hold CVRs other than those acquired in connection with the Merger Transaction;

(h) Participants in the Plans may direct the Plans' trustee to sell CVRs allocated to their respective participant accounts in the Plans, at any time;

(i) The Plans do not sell a CVR to CHS or any of its subsidiaries or affiliates, including HMA, in a non-''blind'' transaction;

(j) For so long as the CVRs remain a permissible investment for each Plan, the retention or disposition of CVRs allocated to a participant's account has been and will be administered in accordance with the provisions of each Plan that are in effect for individually-directed investments of participant accounts;

(k) The CVR Trustee will certify to the Department that the CVR Payment Amount has been properly calculated for each affected participant in the Plans; and

(l) The CVR Trustee will certify to the Department that no excess portion of the CVR Payment Amount reverts to CHS, its successors, or their affiliates.

Effective Date: If granted, this proposed exemption will be effective as of January 27, 2014.

Notice to Interested Persons

Within thirty (30) days of the date of publication of the proposed exemption in the **Federal Register**, the Applicants will provide notice of the proposed exemption (consisting of a copy of the proposed exemption, as published in the **Federal Register**, and the supplemental statement required by 29 CFR 2570.43(b)(2), (together, the Notice)) to all current participants and beneficiaries of the Plans. The Applicants will provide interested persons with a copy of the Notice, as well as an explanatory cover letter, by first class mail, at their own expense. The Notice will specify that the Department must receive all written comments and requests for a hearing no later than thirty (30) days from the last date of the mailing of such Notice. Therefore, interested persons will have sixty (60) days to provide their written comments and/or hearing requests to the Department.

All comments will be made available to the public.

Warning: Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments may be posted on the Internet and can be retrieved by most Internet search engines.

FOR FURTHER INFORMATION CONTACT: Anna Mpras Vaughan of the Department, telephone (202) 693–8565. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 21st day of June, 2017.

Lyssa E. Hall,

Director, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2017–13509 Filed 6–27–17; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (17–041)]

NASA Astrophysics Advisory Committee; Meeting.

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Astrophysics Advisory Committee. This Committee reports to the Director, Astrophysics Division, Science Mission Directorate, NASA Headquarters. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Wednesday, July 19, 2017, 8:30 a.m.–5:00 p.m.; and Thursday, July 20, 2017, 8:30 a.m.–5:00 p.m., Eastern Daylight Time (EDT).

ADDRESSES: On July 19: NASA Headquarters, Room 6H42, 300 E Street SW., Washington, DC 20546. On July 20: Residence Inn Capitol, Senate Room, 333 E Street SW., Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Ms. KarShelia Henderson, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2355, fax (202) 358–2779, or *khenderson@nasa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The meeting will be available telephonically and by WebEx. You must use a touch-tone phone to participate in this meeting. Any interested person may dial the USA toll free conference call number 1–888–469–3018 or toll number 1–210–234–0113, passcode 6295733, to participate in this meeting by telephone on both days. The WebEx link is *https://nasa.webex.com/;* the meeting number on July 19 is 996 101 861, password is APAC@1920; and the meeting number on July 20 is 994 706 096, password is APAC@1920.

The agenda for the meeting includes the following topics:

—Astrophysics Division Update
—Updates on Specific Astrophysics Missions
—Reports from the Program Analysis Groups
—Reports from Specific Research & Analysis Programs

The agenda will be posted on the Astrophysics Advisory committee Web page: *https://science.nasa.gov/researchers/nac/science-advisory-committees/apac.*

Attendees will be requested to sign a register and to comply with NASA Headquarters security requirements, including the presentation of a valid picture ID to Security before access to NASA Headquarters. Due to the Real ID Act, any attendees with driver's licenses issued from non-compliant states must present a second form of ID. Non-compliant states are: Minnesota and Missouri. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 days prior to the meeting: Full name; gender; date/place of birth; citizenship; passport information (number, country, telephone); visa information (number, type, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. To expedite admittance, attendees with U.S. citizens and Permanent Residents (green card holders) can provide full name and citizenship status 3 working days in advance. Information should be sent to Ms. KarShelia Henderson, via email at *khenderson@nasa.gov* or by fax at (202) 358–2779. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2017–13501 Filed 6–27–17; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–458; NRC–2017–0141]

Entergy Operations, Inc.; River Bend Station, Unit 1

AGENCY: Nuclear Regulatory Commission.

ACTION: License renewal application; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received an application for the renewal of operating license NPF–47, which authorizes Entergy Operations, Inc. (the applicant) to operate River Bend Station, Unit 1 (RBS). The renewed license would authorize the applicant to operate RBS for an additional 20-year period beyond the period specified in the current license. The current operating license for RBS expires at midnight on August 29, 2025.

DATES: The license renewal application referenced in this document was available on June 2, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0141 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0141. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the

ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The license renewal application for RBS is available in ADAMS under Package Accession No. ML17153A282.

• NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Emmanuel Sayoc, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–4084; email: *Emmanuel.Sayoc@nrc.gov.*

SUPPLEMENTARY INFORMATION: The NRC has received an application from Entergy Operations, Inc., dated May 25, 2017, filed pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, and part 54 of title 10 of the *Code of Federal Regulations,* to renew the operating license for RBS. Renewal of the license would authorize the applicant to operate the facility for an additional 20-year period beyond the period specified in the current operating license. The current operating license for RBS expires at midnight on August 29, 2025. River Bend Station, Unit 1, is a boiling water reactor designed by General Electric and is located in St. Francisville, Louisiana. The acceptability of the tendered application for docketing, and other matters, including an opportunity to request a hearing, will be the subject of subsequent **Federal Register** notices.

A copy of the license renewal application for the RBS, is also available to local residents near the site at the West Feliciana Parish Library at 5114 Burnett Rd., St. Francisville, LA 70775.

Dated at Rockville, Maryland, this 19th day of June, 2017.

For the Nuclear Regulatory Commission.

Sheldon Stuchell,

Chief, Projects Management and Guidance Branch, Division of License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–13518 Filed 6–27–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–244; NRC–2017–0124]

Exelon Generation Company, LLC; R.E. Ginna Nuclear Power Plant; Use of Optimized ZIRLO™ Fuel Rod Cladding

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption in response to an August 22, 2016, request from Exelon Generation Company, LLC (Exelon) in order to use Optimized ZIRLO™ Fuel Rod Cladding at the R.E. Ginna Nuclear Power Plant (Ginna).

DATES: The exemption was issued on June 19, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0124 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0124. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: V. Sreenivas, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–2597, email: *V.Sreenivas@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Exelon Generation Company, LLC is the holder of Renewed Facility Operating License No. DPR–18, which authorizes operation of Ginna, a pressurized-water reactor. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the NRC now or hereafter in effect. The facility is located in Ontario, New York, approximately 20 miles northeast of Rochester, New York.

II. Request/Action

Pursuant to § 50.12 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Specific exemptions,'' the licensee requested, by letter dated August 22, 2016 (ADAMS Accession No. ML16236A300), an exemption from § 50.46, ''Acceptance criteria for emergency core cooling systems [ECCS] for light-water nuclear power reactors,'' and 10 CFR part 50, appendix K, ''ECCS Evaluation Models,'' to allow the use of Optimized ZIRLO™ fuel rod cladding. The regulations in § 50.46 contain acceptance criteria for the ECCS for reactors fueled with zircaloy or ZIRLO™ fuel rod cladding material. In addition, 10 CFR part 50, appendix K, requires that the Baker-Just equation be used to predict the rates of energy release, hydrogen concentration, and cladding oxidation from the metal/water reaction. The Baker-Just equation assumes the use of a zirconium alloy different than Optimized ZIRLO™ material. Therefore, an exemption to § 50.46 and 10 CFR part 50, appendix K is required to support the use of Optimized ZIRLO™ fuel rod cladding at Ginna.

The exemption request relates solely to the specific types of cladding material specified in these regulations (*i.e.,* fuel rods with Zircaloy or ZIRLO® cladding). This request will provide for the application of the acceptance criteria of § 50.46 and appendix K to 10 CFR part 50 to fuel assembly designs utilizing Optimized ZIRLO™ fuel rod cladding. The NRC staff prepared a separate safety evaluation fully addressing Exelon's application for a related license amendment.

III. Discussion

Pursuant to § 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when: (1) The exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common

defense and security; and (2) when special circumstances are present. Under § 50.12(a)(2), special circumstances include, among other things, when application of the specific regulation in the particular circumstance would not serve, or is not necessary to achieve, the underlying purpose of the rule.

A. Authorized by Law

The exemption would allow the use of Optimized ZIRLO™ fuel rod cladding material at Ginna. As stated above, § 50.12 allows the NRC to grant exemptions from the requirements of 10 CFR part 50. The NRC staff has determined that granting the licensee's requested exemption would not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemption is authorized by law.

B. No Undue Risk to Public Health and Safety

The underlying purpose of § 50.46 is to establish acceptance criteria for adequate ECCS performance. By letter dated June 10, 2005, the NRC staff issued a safety evaluation (ADAMS Accession No ML051670408) approving Addendum 1 to Westinghouse Topical Report WCAP–12610–P–A and CENPD–404–P–A, ''Optimized ZIRLO™'' (these topical reports are not publicly available because they contain proprietary information), wherein the NRC staff approved the use of Optimized ZIRLO™ as a fuel cladding material. The NRC staff approved the use of Optimized ZIRLO™ as a fuel cladding material based on: (1) Similarities with standard ZIRLO™, (2) demonstrated material performance, and (3) a commitment to provide irradiated data and validate fuel performance models ahead of burnups achieved in batch application. The NRC staff's safety evaluation for Optimized ZIRLO™ includes ten conditions and limitations for its use. As previously documented in the NRC staff's review of topical reports submitted by Westinghouse Electric Company, LLC (Westinghouse), and subject to compliance with the specific conditions of approval established therein, the NRC staff finds that the applicability of these ECCS acceptance criteria to Optimized ZIRLO™ has been demonstrated by Westinghouse. Ring compression tests performed by Westinghouse on Optimized ZIRLO™ (NRC-reviewed, approved, and documented in Appendix B of WCAP–12610–P–A and CENPD–404–P–A, Addendum 1–A, ''Optimized ZIRLO™'') demonstrate an acceptable retention of post-quench ductility up to § 50.46 limits of 2,200 degrees Fahrenheit and 17 percent equivalent clad reacted. Furthermore, the NRC staff has concluded that oxidation measurements provided by the licensee illustrate that oxide thickness (and associated hydrogen pickup) for Optimized ZIRLO™ at any given burnup would be less than both zircaloy-4 and ZIRLO™. Hence, the NRC staff concludes that Optimized ZIRLO™ would be expected to maintain better post-quench ductility than ZIRLO™. This finding is further supported by an ongoing loss-of-coolant accident research program at Argonne National Laboratory, which has identified a strong correlation between cladding hydrogen content (due to in-service corrosion) and post-quench ductility.

The underlying purpose of 10 CFR part 50, appendix K, section I.A.5, ''Metal-Water Reaction Rate,'' is to ensure that cladding oxidation and hydrogen generation are appropriately limited during a loss-of-coolant accident and conservatively accounted for in the ECCS evaluation model. Appendix K states that the rates of energy release, hydrogen concentration, and cladding oxidation from the metal-water reaction shall be calculated using the Baker-Just equation. Since the Baker-Just equation presumes the use of zircaloy clad fuel, strict application of the rule would not permit use of the equation for Optimized ZIRLO™ cladding for determining acceptable fuel performance. However, the NRC staff has found that metal-water reaction tests performed by Westinghouse on Optimized ZIRLO™ demonstrate conservative reaction rates relative to the Baker-Just equation and are bounding for those approved for ZIRLO™ under anticipated operational occurrences and postulated accidents.

Based on the above, no new accident precursors are created by using Optimized ZIRLO™; thus, the probability of postulated accidents is not increased. Also, based on the above, the consequences of postulated accidents are not increased. Therefore, there is no undue risk to public health and safety due to using Optimized ZIRLO™.

C. Consistent With the Common Defense and Security

The proposed exemption would allow the use of Optimized ZIRLO™ fuel rod cladding material at Ginna. This change to the plant configuration has no relation to security issues. Therefore, the common defense and security is not impacted by this exemption.

D. Special Circumstances

Special circumstances, in accordance with § 50.12(a)(2)(ii), are present whenever application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. The underlying purpose of § 50.46 and appendix K to 10 CFR part 50 is to establish acceptance criteria for ECCS performance. The wording of the regulations in § 50.46 and appendix K is not directly applicable to Optimized ZIRLO™, even though the evaluations above show that the intent of the regulation is met. Therefore, since the underlying purposes of § 50.46 and appendix K are achieved through the use of Optimized ZIRLO™ fuel rod cladding material, the special circumstances required by § 50.12(a)(2)(ii) for the granting of an exemption from certain requirements of § 50.46 and appendix K exist.

E. Environmental Considerations

The NRC staff determined that the exemption discussed herein meets the eligibility criteria for the categorical exclusion set forth in § 51.22(c)(9) because it is related to a requirement concerning the installation or use of a facility component located within the restricted area, as defined in 10 CFR part 20, and the granting of this exemption involves: (1) No significant hazards consideration, (2) no significant change in the types or a significant increase in the amounts of any effluents that may be released offsite, and (3) no significant increase in individual or cumulative occupational radiation exposure. Therefore, in accordance with § 51.22(b), no environmental impact statement or environmental assessment need to be prepared in connection with the NRC's consideration of this exemption request. The basis for the NRC staff's determination is discussed as follows with an evaluation against each of the requirements in § 51.22(c)(9).

Requirements in § 51.22(c)(9)(i)

The NRC staff evaluated the issue of no significant hazards consideration, using the standards described in § 50.92(c), as presented below:

1. Does the proposed exemption involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change would allow the use of Optimized ZIRLO™ clad nuclear fuel in the reactors. The NRC-approved topical report WCAP–12610–P–A & CENPD–404–P–A, Addendum 1–A, ''Optimized ZIRLO™,'' prepared by

Westinghouse Electric Company, LLC (Westinghouse), addresses Optimized ZIRLO™ and demonstrates that Optimized ZIRLO™ has essentially the same properties as currently licensed ZIRLO®. The fuel cladding itself is not an accident initiator and does not affect accident probability.

2. Does the proposed exemption create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

Use of Optimized ZIRLO™ clad fuel will not result in changes in the operation or configuration of the facility. Topical Report WCAP–12610–P–A & CENPD–404–P–A, Addendum 1–A, demonstrated that the material properties of Optimized ZIRLO™ are similar to those of standard ZIRLO®, thus precluding the possibility of the fuel cladding becoming an accident initiator and causing a new or different type of accident. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed exemption involve a significant reduction in a margin of safety?

Response: No.

The proposed change will not involve a significant reduction in the margin of safety. Topical Report WCAP–12610–P–A & CENPD–404–P–A, Addendum 1–A, demonstrated that the material properties of the Optimized ZIRLO™ are not significantly different from those of standard ZIRLO®. Optimized ZIRLO™ is expected to perform similarly to standard ZIRLO® for all normal operating and accident scenarios, including both loss of coolant accident LOCA) and non-LOCA scenarios. For LOCA scenarios, where the slight difference is Optimized ZIRLO™ material properties relative to standard ZIRLO® could have some impact on the overall accident scenario, plant-specific LOCA analyses using Optimized ZIRLO™ properties will demonstrate that the acceptance criteria of 10 CFR 50.46 have been satisfied. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, the NRC staff concludes that the proposed exemption presents no significant hazards consideration under the standards set forth in § 50.92(c), and, accordingly, a finding of no significant hazards consideration is justified (*i.e.,* satisfies the provisions of § 51.22(c)(9)(i)).

Requirements in § 51.22(c)(9)(ii)

The proposed exemption would allow the use of Optimized ZIRLO™ fuel rod cladding material at Ginna. Optimized ZIRLO™ has essentially the same properties are currently licensed ZIRLO®. The use of Optimized ZIRLO™ fuel rod cladding material will not significantly change the types of effluents that may be released offsite or significantly increase the amount of effluents that may be released offsite. Therefore, the provisions of § 51.22(c)(9)(ii) are satisfied.

Requirements in § 51.22(c)(9)(iii)

The proposed exemption would allow the use of Optimized ZIRLO™ fuel rod cladding material at Ginna. Optimized ZIRLO™ has essentially the same properties are currently licensed ZIRLO®. The use of Optimized ZIRLO™ fuel rod cladding material at Ginna will not significantly increase individual occupational radiation exposure or significantly increase cumulative occupational radiation exposure. Therefore, the provisions of § 51.22(c)(9)(iii) are satisfied.

Conclusion

Based on the above, the NRC staff concludes that the proposed exemption meets the eligibility criteria for the categorical exclusion set forth in § 51.22(c)(9). Therefore, in accordance with § 51.22(b), no environmental impact statement or environmental assessment need to be prepared in connection with the NRC's proposed issuance of this exemption.

IV. Conclusion

Accordingly, the Commission has determined that, pursuant to § 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants Exelon an exemption from certain requirements of § 50.46 and 10 CFR part 50, appendix K, to allow the use of Optimized ZIRLO™ fuel rod cladding material at Ginna.

Dated at Rockville, Maryland, this 19th day of June 2017.

For the Nuclear Regulatory Commission.

MaryJane Ross-Lee,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–13517 Filed 6–27–17; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81000; File No. SR–NYSE–2017–12]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Withdrawal of a Proposed Rule Change, as Modified by Amendment No. 3, To Amend Section 102.01B of the NYSE Listed Company Manual To Modify the Requirements That Apply to Companies That List Without a Prior Exchange Act Registration and That Are Not Listing in Connection With an Underwritten Initial Public Offering

June 22, 2017.

On March 13, 2017, the New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Section 102.01B of the Manual to modify the provisions relating to the qualification of companies listing without a prior Exchange Act registration and an underwritten offering to permit the listing of such companies immediately upon effectiveness of an Exchange Act registration statement without a concurrent public offering registered under the Securities Act of 1933 provided the company meets all other listing requirements. The proposal also would eliminate the requirement to have a private placement market trading price if there is a valuation from an independent third-party of $250 million in market value of publicly-held shares. The proposed rule change was published for comment in the **Federal Register** on March 31, 2017.[3] The Commission received no comments on the proposed rule change. On May 12, 2017, the Commission extended the time period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change to June 29, 2017.[4] On June 6, 2017, the Exchange filed Amendment No. 3 to the proposed rule change.[5]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 34–80313 (March 27, 2017), 82 FR 16082 (March 31, 2017).

[4] *See* Securities Exchange Act Release No. 34–80670 (May 12, 2017), 82 FR 22866 (May 18, 2017).

[5] The Exchange also filed Amendment No. 1 to the proposed rule change on May 16, 2017 and Amendment No. 2 to the proposed rule change on

Continued

On June 19, 2017, the Exchange withdrew the proposed rule change, as modified by Amendment No. 3. (SR–NYSE–2017–12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–13488 Filed 6–27–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80997; File No. SR–NASDAQ–2017–060]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 7014(j)

June 22, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 9, 2017, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange.[3] 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 the Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7014(j) to provide a second credit tier under the Nasdaq Growth Program.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Rule 7014(j) to provide a second credit tier under the Nasdaq Growth Program (''Program''). Nasdaq introduced the Program in 2016.[4] The purpose of the Program is to provide a credit per share executed for members that meet certain growth criteria. The credit is designed to provide an incentive to members that do not qualify for other credits under Rule 7018 in excess of the Program credit to increase their participation on the Exchange. The Program provides a member a $0.0025 per share executed credit in securities priced $1 or more per share if the member meets certain criteria. The credit is provided in lieu of other credits provided to the member for displayed quotes/orders (other than Supplemental Orders or Designated Retail Orders) that provide liquidity under Rule 7018, if the credit under the Nasdaq Growth Program is greater than the credit attained under Rule 7018.

Rule 7014(j) currently provides three ways in which a member may qualify for the Program in a given month. First, the member may qualify for the Program by: (i) Adding greater than 750,000 shares a day on average during the month through one or more of its Nasdaq Market Center MPIDs; and (ii) increasing its shares of liquidity provided through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume by 20% versus the member's Growth Baseline.[5] Second, the member may qualify for the Program by: (i) Adding greater than 750,000 shares a day on average during the month through one or more of its Nasdaq Market Center MPIDs; and (ii) meeting the criteria set forth above (increasing its shares of liquidity provided through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume by 20% versus the member's Growth Baseline) in the preceding month, and maintaining or increasing its shares of liquidity provided through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume as compared to the preceding month. Third, a member may qualify for the Program by: (i) Adding greater than 750,000 shares a day on average during the month through one or more of its Nasdaq Market Center MPIDs in three separate months; (ii) increasing its shares of liquidity provided through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume by 20% versus the member's Growth Baseline in three separate months; and (iii) maintaining or increasing its shares of liquidity provided through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume compared to the growth baseline established when the member met the criteria for the third month.

The Exchange is proposing to amend Rule 7014(j) to provide a second credit tier under the Program.[6] Specifically, the Exchange is proposing a $0.0027 per share executed rebate in lieu of the current $0.0025 rebate. To qualify for the new rebate, a member must: (i) Add at least 0.04% or more [sic] of Consolidated Volume during the month through non-displayed orders on one or more of its Nasdaq Market Center MPIDs; and (ii) increase its shares of liquidity provided through one or more of its Nasdaq Market Center MPIDs in all securities during the month as a percent of Consolidated Volume by 50% versus its August 2016 share of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume. Thus, the first requirement of the new tier requires a member to provide a significant level of Consolidated Volume through non-displayed [7] orders, which generally provide improvement to the size of orders executed on the

May 24, 2017, both of which were subsequently withdrawn.

[6] 17 CFR 200.30–3(a)(57).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission notes that Nasdaq initially filed this proposal as SR–NASDAQ–2017–057 on June 1, 2017. On June 9, 2017, Nasdaq withdrew that filing and replaced it with this filing.

[4] *See* Securities Exchange Act Release No. 78977 (September 29, 2016), 81 FR 69140 (October 5, 2016) (SR–NASDAQ–2016–132).

[5] The Growth Baseline is defined as the member's shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume during the last month a member qualified for the Nasdaq Growth Program under current Rule 7014(j)(ii)(A) (increasing its Consolidated Volume by 20% versus its Growth Baseline). If a member has not yet qualified for a credit under this program, its August 2016 share of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume will be used to establish a baseline.

[6] The Exchange is also proposing to renumber current Rule 7014(j) to account for the new credit tier and make [sic] consistent with the numbering convention used under Rule 7014.

[7] Non-displayed orders are not displayed to other Participants, but nevertheless remain available for potential execution against incoming Orders until executed in full or cancelled. *See* Rule 4702(b)(3).

Exchange.[8] Moreover, the first requirement may encourage participation on the Exchange by participants with large orders who do not want the size of their order known. Similar to the current rebate's Consolidated Volume requirement provided under current Rule 7014(j)(ii)(A), the Exchange is proposing to require a member to increase their [sic] shares of liquidity provided in all securities during the month as a percent of Consolidated Volume. Unlike the current rebate, which requires a member to show an increase in Consolidated Volume compared to the member's Growth Baseline with each successive month improving upon that baseline to continue to qualify for the rebate, the proposed new rebate requires an initial significant increase in Consolidated Volume compared to that member's share of liquidity provided in all securities in August 2016 with the member maintaining that level to continue receiving the proposed new rebate.[9] Thus, the measure against which Consolidated Volume is compared remains static month to month under the criteria of the new rebate, whereas it can vary month to month under the current rebate's qualification criteria. Members that were not members of the Exchange in August 2016 may still qualify for the proposed new rebate. For such ''new'' members, the Exchange will consider their share of liquidity provided in all securities in August 2016 as zero. The Exchange notes that this is the same treatment members that were not members of the Exchange in August 2016 receive under the current tier under the Program.

The Exchange believes that the new rebate tier provides members with additional flexibility in qualifying for the Program and incentive to provide greater Consolidated Volume, thereby furthering the Program's goal of incentivizing participation on the Exchange.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[11] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed change to the Program is reasonable because, although the proposed rebate is higher than the current rebate provided under the Program, the qualification criteria is higher than the current rebate. Moreover, the Exchange offers other similar rebates in return for market improving behavior.[12] For example, the Exchange provides $0.0027 per share executed in Tape C securities if a member has shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs that represent more than 0.30% of Consolidated Volume during the month.[13]

The Exchange believes that the proposed change is equitably allocated among members, and is not designed to permit unfair discrimination. The Exchange notes that participation in the Program is voluntary, and that any member may qualify for the credit if it meets the qualification requirements. The Exchange is adopting the new credit tier to provide members with an incentive to increase their participation significantly, as represented by a percent of Consolidated Volume. The Exchange believes that the proposed rebate will serve as a logical extension of the current rebate. Specifically, a member that continues to qualify under the current rebate will eventually increase its shares of liquidity to a point that is 50% or greater than its shares of liquidity in August 2016. Thus, so long as the member provides 0.04% or more of Consolidated Volume through one or more of its Nasdaq Market Center MPIDs during the month through non-displayed orders, the member would receive the higher rebate. The Exchange is electing to use August 2016 as the benchmark for the qualification criteria under the second requirement of the rebate tier because the member's activity during that month was unaffected by foreknowledge of the Program. The proposed change applies to all members that otherwise qualify for the Program, namely members that add at least 0.04% or more of Consolidated Volume during the month through one or more of its [sic] Nasdaq Market Center MPIDs and has [sic] shares of liquidity to a point that is greater that is 50% or greater than their shares of liquidity in August 2016. The Exchange believes that it is an equitable allocation and is not unfairly discriminatory to use zero as the level of shares of liquidity provided in August 2016 for members that were not members in August 2016 because they are similarly positioned as other members of the Exchange that were members at that time yet did not have shares of liquidity provided in August 2016. The Exchange notes that all members must provide a significant level of Consolidated Volume to qualify for the proposed new rebate regardless of their membership status in August 2016, in addition to meeting the proposed growth criteria. Moreover, the Exchange believes that all members should have the opportunity to participate in the Program and, to the extent that the proposed new rebate attracts new members to the Exchange, all market participants will benefit from the added liquidity new members provide. As noted above, the Exchange currently uses zero as the level of shares of liquidity provided in August 2016 for members that were not members in August 2016 for purposes of qualifying for the $0.0025 per share executed credit. The Exchange notes that participation in the Program is entirely voluntary and proposed rebate will be provided to any member that meets the qualification criteria.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their

[8] For example, in May 2017 there was an average daily volume of 6.7 billion shares. Applying the proposed 0.04% Consolidated Volume qualification criteria to May 2017 would result in approximately 2.7 million shares a day and 59 million shares for the month.

[9] This measure is currently a component of the definition of Growth Baseline, which is a measure for determining eligibility for the existing rebate under current Rule 7014(j). *See* note 5 *supra.*

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) and (5).

[12] *See* Rule 7018(a).

[13] *See* Rule 7018(a)(1). The Exchange notes that, although the required level of Consolidated Volume is significantly higher for this credit tier as compared to the proposed rebate, members qualifying for the proposed rebate must also increase their shares of liquidity provided substantially.

order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

In this instance, the Exchange is proposing to provide a new, higher, Program rebate, which will require a member to provide significant Consolidated Volume together with a significant increase to its Consolidated Volume over a baseline amount of Consolidated Volume it had in August 2016. This proposed rebate is designed to provide incentive to members to increase their participation on the Exchange. Participation in the Program is completely voluntary and the criteria will ensure that all members that qualify for the Program have both shown a significant increase in their participation on the Exchange and are providing significant overall participation on the Exchange. Ultimately, if members conclude that the qualification requirements are set too high, or the rebate too low, it is likely that the Exchange will realize very little benefit from the incentive. If the proposed rebate is successful in increasing participation on the Exchange, then other trading venues may also make a similar rebate available to their participants. Thus, the Exchange does not believe that the proposed rule change will impose any burden on competition whatsoever, but rather believes that the proposal is pro-competitive.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[14] 15 U.S.C. 78s(b)(3)(A)(ii).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2017–060 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2017–060. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2017–060, and should be submitted on or before July 19, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81001; File No. SR–DTC–2017–009]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Proposed Rule Change To Establish a Swap Margin Segregation Account for the Segregation of Swap Margin With Respect to Deposited Securities

June 22, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder, [2] notice is hereby given that on June 15, 2017, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by DTC. DTC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6) [4] thereunder. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change by DTC would add new Rule 36 (Segregated Accounts for Swap Margin) (''Proposed Rule 36'') to provide Accounts [5] for the segregation of Securities held at DTC that are intended to be Pledged as swap margin in conformity with certain regulations applicable to swap counterparties posting swap margin. The proposal would allow Participants to transfer Deposited Securities to an Account (''Swap Margin Segregation Account'') of a Pledgee designated for the purpose of segregating interests in Deposited Securities securing margin

[15] 17 CFR 200.30–3(a)(12).

[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).

[5] Each capitalized term not otherwise defined herein has its respective meaning as set forth in the Rules, By-Laws and Organization Certificate of The Depository Trust Company (the ''DTC Rules''), *available at http://www.dtcc.com/legal/rules-and-procedures.aspx.*

obligations with respect to uncleared swaps [6] and security-based swaps [7] (''Swap Margin'') subject to applicable Swap Margin Segregation Rules (defined below). A Swap Margin Segregation Account would be maintained by DTC for, and at the instruction of, the Pledgee [8] (''Swap Margin Pledgee'').

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC 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. DTC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposal would add Proposed Rule 36 to provide Accounts for the segregation of Securities held at DTC that are intended to be Pledged as swap margin in conformity with certain regulations applicable to swap counterparties posting swap margin. The proposal would allow Participants to transfer Deposited Securities to a Swap Margin Segregation Account of a Pledgee designated for the purpose of segregating Swap Margin subject to applicable Swap Margin Segregation Rules (defined below). A Swap Margin Segregation Account would be maintained by DTC for, and at the instruction of, the Swap Margin Pledgee.

A. Existing DTC Pledge Services

Currently, a Participant (''Pledgor'') may instruct DTC to Pledge Securities from its Account to the Account of a Pledgee (''Pledgee Account''), in order to Pledge such Securities to such Pledgee.[9] A Pledge may be (i) free of payment, where no funds are transferred through DTC, or (ii) versus payment through DTC net funds settlement in the ordinary course of business.

The Pledgor continues to own the Securities, subject to the Pledge, and the Pledgee may Release the Pledged Securities to the Pledgor. The DTC Rules further provide that the Pledgee may exercise Control [10] of the Pledged Securities by instructing DTC to transfer the Pledged Securities to its Participant Account (if it is a Participant) or to the Account of another Participant, in either case, without the further consent of the Pledgor.[11] Securities credited to a Pledgee Account are not subject to any lien or any claim of DTC and cannot be designated as or included in Collateral for any obligation of the Pledgor or the Pledgee to DTC.'' [12]

DTC also offers a shared-control Account for Pledges (''Shared Control Account'').[13] A Shared Control Account differs from an ordinary Pledgee Account in that the Pledgor has the flexibility to transfer the Securities in a Shared Control Account without obtaining the Pledgee's Release of the Securities.

The proposed rule change would build on these existing Pledge services to expressly accommodate the requirements of the Swap Margin Segregation Rules, as further described below.

B. Swap Margin Segregation Rules

The Prudential Regulators, as defined below, and the CFTC have adopted rules (the ''Swap Margin Segregation Rules'') [14] that require that registered swap dealers, major swap participants, security-based swap dealers and major security-based swap participants (''Swap Entities'') post Swap Margin with respect to swap agreements [15] for uncleared swaps and/or uncleared securities-based swaps that are subject to the Swap Margin Segregation Rules.[16] Under the Swap Margin Segregation Rules, the Swap Margin must be segregated at a third-party custodian that is neither one of the swap counterparties nor an affiliate [17] of

[6] A Pledgee may be a bank, trust company, broker-dealer, or other Person approved by DTC that enters into an agreement with DTC that is satisfactory to DTC. A Pledgee may be a Participant, if it satisfies the further conditions of the DTC Rules. *See* Rule 1 and Rule 2, Section 3, *supra* note 1. A Pledgee that is not a Participant may not receive a Pledge Versus Payment. Rule 2, Section 3, *supra* note 1.

[7] ''Security-based swap'' is defined to include a swap based on a single security or loan or on a narrow-based security index. *See* 15 U.S.C. 78c(a)(68).

[8] ''Swap'' is defined to include interest rate swaps, commodity-based swaps, equity swaps and credit default swaps. *See* 7 U.S.C. 1a(47). ''Uncleared swaps'' and ''non-cleared swaps'' mean swaps that are not directly or indirectly, submitted to and cleared by a derivatives clearing organization (''DCO'') registered with the Commission. *See* 7 U.S.C. 1a(7) (''The term 'cleared swap' means any swap that is, directly or indirectly, submitted to and cleared by a derivatives clearing organization registered with the Commission.'').

[9] A Pledge under DTC Rules effects the transfer to the Pledgee of a limited interest in the Pledged Securities, which may be a security interest if the Pledgor and Pledgee have an agreement outside of DTC that constitutes a security agreement under applicable law and as to which the other requirements for attachment and enforceability of a security interest have been satisfied. *See, e.g.,* N.Y. U.C.C. Law § 9–203. The characterization of any Pledge depends on agreements between the Pledgor and the Pledgee made outside of DTC. DTC does not inquire into the terms and conditions of those agreements but affords its Participants the means to Pledge the Securities by book-entry and, thereby, to perfect any properly created security interest with Control. *See, e.g.,* N.Y. U.C.C. Law § 8–106 and § 9–106.

[10] Under the DTC Rules, the term ''Control'' has the meaning given to the term ''control'' in N.Y. U.C.C. Law § 8–106. DTC Rule 1, Section 1, *supra* note 5.

[11] By giving such an instruction to DTC, the Pledgee represents that it is acting in accordance with applicable law and agreements. Rule 9(B), Section 1, *supra* note 5. Typically, a Pledgee would take this step in the event of a default of the Pledgor under the outside agreements governing the Pledge.

[12] *See* DTC Rule 4(A), *supra* note 5.

[13] *See* DTC Settlement Service Guide, p.15, *available at http://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Settlement.pdf.*

[14] In 2015, the Office of the Comptroller of the Currency (''OCC''), the Board of Governors of the Federal Reserve System (''FRB''), the Federal Deposit Insurance Corporation (''FDIC''), the Farm Credit Administration (''FCA'') and the Federal Housing Finance Agency (''FHFA'') (collectively, the ''Prudential Regulators'') adopted joint margin rules (the ''Bank Margin Rules''). *See* Margin and Capital Requirements for Covered Swap Entities, 80 FR 74840 (November 30, 2015). Each Prudential Regulator has codified its rule within its respective title of the Code of Federal Regulations. Specifically, the Prudential Regulators codified the rules as follows: 12 CFR 45 (OCC); 12 CFR 237 (FRB); 12 CFR 349 (FDIC); 12 CFR 624 (FCA); and 12 CFR 1221 (FHFA). In addition, the Commodity Futures Trading Commission (''CFTC'') subsequently adopted its own version of margin rules substantially similar to the Bank Margin Rules (the ''CFTC Margin Rules''). *See* Margin Requirements for Uncleared Swaps for Swap Dealers and Major Swap Participants, 81 FR 636 (January 6, 2016) (codified at17 CFR 23, 140). The Bank Margin Rules apply to a Swap Entity that, pursuant to section 1a(39) of the Commodity Exchange Act, has a Prudential Regulator. The CFTC Margin Rules apply to a Swap Entity that does not have a Prudential Regulator. Under the Bank Margin Rules, a covered swap includes, subject to certain grandfathering and cross-border provisions, any (i) swap that is not cleared by a DCO that is registered or exempt from registration with the CFTC or (ii) security-based swap that is not cleared by a clearing agency that is registered or exempt from registration with the Commission. Under the CFTC Margin Rules, a covered swap includes, subject to certain grandfathering and cross-border provisions, any swap that is not cleared by a DCO that is registered or exempt from registration with the CFTC. Non-cleared security-based swaps entered into by a registered security-based swap dealer or major security-based swap participant that does not have a Prudential Regulator will be subject to margin rules to be adopted by the Commission.

[15] A ''swap agreement'' is a customized, bilateral agreement that transfer risk from one party to the other and is negotiated privately between the two counterparties and then booked directly with each other. *See* ISDA Product Descriptions and Frequently Asked Questions, *available at http://www.isda.org/educat/faqs.html.*

[16] DTC is not subject to the Swap Margin Segregation Rules.

[17] Under the Swap Margin Segregation Rules, a company is an affiliate of another company if (1) either company consolidates the other on financial

Continued

either of the swap counterparties (''Unaffiliated Swap Margin Custodian'') [18] pursuant to a custody agreement with such Swap Margin Custodian (''Swap Margin Custody Agreement'') that meets prescribed standards.[19] In particular, the Swap Margin Segregation Rules require, among other things, that the Swap Margin Custody Agreement prohibit the Unaffiliated Swap Margin Custodian from rehypothecating, repledging, reusing, or otherwise transferring (through securities lending, securities borrowing, repurchase agreement, reverse repurchase agreement or other means) the collateral held by the Unaffiliated Swap Margin Custodian.[20]

C. Proposed Rule 36

In light of these requirements, in order to facilitate use of DTC by Participants and Pledgees that are subject to the Swap Margin Segregation Rules, DTC designed Proposed Rule 36 to provide an express set of provisions that track the requirements of the Swap Margin Segregation Rules. Proposed Rule 36 would (i) provide that a Swap Margin Pledgee may establish a Swap Margin Segregation Account which would operate as a Pledgee Account,[21] and (ii) set forth how the operation of such Swap Margin Segregation Account satisfies the conditions of the regulatory requirements for posting Swap Margin at an Unaffiliated Swap Margin Custodian.

The proposed rule change would add Rule 36 to the DTC Rules, which would provide for a number of items, as described below.

1. Proposed Rule 36 would provide for the establishment and maintenance of one or more Swap Margin Segregation Accounts by a Swap Margin Pledgee, for the purpose of holding Swap Margin. There would be two types of Swap Margin Segregation Accounts:

i. A Swap Margin Segregation Account with respect to which only the Swap Margin Pledgee may issue instructions (''Restricted Access Swap Margin Account''); and

ii. a Swap Margin Segregation Account with respect to which either a Swap Margin Pledgee or Swap Margin Pledgor may issue instructions (''Shared Access Swap Margin Account''). The purpose of a Shared Access Swap Margin Account, like the Shared Control Account referred to above, would be to provide the Swap Margin Pledgor a mechanism to transfer the Swap Margin Securities from the Shared Access Swap Margin Account without obtaining the consent of the Swap Margin Pledgee, if the Swap Margin Pledgee were in default in accordance with the agreements of the parties to the relevant swap or security-based swap.[22]

2. Proposed Rule 36 would provide for the instruction of a Swap Margin Pledgor to DTC to:

i. Transfer Swap Margin from an account of the Swap Margin Pledgor (''Swap Margin Origination Account'') to a Restricted Access Swap Margin Account or Shared Access Swap Margin Account of a Swap Margin Pledgee, free of payment through the facilities of DTC. By issuing such an instruction, the Swap Margin Pledgor would be representing to DTC that the instruction complies with the Swap Margin Segregation Rules and the Swap Agreement of the parties; and

ii. transfer Swap Margin from a Shared Access Swap Margin Account of a Swap Margin Pledgee back to the relevant Swap Margin Origination Account of the Swap Margin Pledgor, free of payment. By issuing such an instruction, the Swap Margin Pledgor would be representing to DTC that the instruction complies with the Swap Margin Segregation Rules and the Swap Agreement of the parties.

3. Proposed Rule 36 would provide for the instruction of a Swap Margin Pledgee to DTC to:

i. Transfer Swap Margin from a Swap Margin Segregation Account of the Swap Margin Pledgee back to the relevant Swap Margin Origination Account of a Swap Margin Pledgor, free of payment. By issuing such instruction, the Swap Margin Pledgee would be representing to DTC that the instruction complies with the Swap Margin Segregation Rules and the Swap Agreement of the parties; and

ii. transfer Swap Margin from a Swap Margin Segregation Account of the Swap Margin Pledgee to another Account of the Swap Margin Pledgee, free of payment. By issuing such instruction, the Swap Margin Pledgee would be representing to DTC that the instruction complies with the Swap Margin Segregation Rules and the Swap Agreement of the parties.

4. Proposed Rule 36 would provide for the covenants of DTC that:

i. Swap Margin held in a Swap Margin Segregation Account of a Swap Margin Pledgee shall be held by DTC free and clear of any security interest, lien or other claim by DTC to secure any obligation of any Swap Margin Pledgor or Swap Margin Pledgee to DTC; and

ii. DTC shall not rehypothecate, repledge, reuse or otherwise transfer (through securities lending, securities borrowing, repurchase agreement, reverse repurchase agreement or other means) any such Swap Margin.

Proposed Rule 36 would provide for DTC's disclaimer of liability:

i. To any Swap Margin Pledgee as a result of DTC acting on an instruction from any Swap Margin Pledgor (i) to transfer Swap Margin from a Swap Margin Origination Account of the Swap Margin Pledgor to a Swap Margin Segregation Account of the Swap Margin Pledgee or (ii) to transfer Swap Margin from a Shared Access Swap Margin Account of the Swap Margin Pledgee back to the relevant Swap Margin Origination Account of the Swap Margin Pledgor even if DTC receives a conflicting instruction from the Swap Margin Pledgee to transfer such Swap Margin from such Shared Access Swap Margin Account to another Account of the Swap Margin Pledgee;

ii. to any Swap Margin Pledgor as a result of DTC acting on an instruction from any Swap Margin Pledgee (i) to transfer Swap Margin from a Swap Margin Segregation Account of the Swap Margin Pledgee back to the relevant Swap Margin Origination Account of the Swap Margin Pledgor, (ii) to transfer Swap Margin from a Restricted Access Swap Margin Account of the Swap Margin Pledgee to another Account of the Swap Margin Pledgee, or (iii) to transfer Swap Margin from a Shared Access Swap Margin Account of the Swap Margin Pledgee to another

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statements prepared in accordance with U.S. Generally Accepted Accounting Principles, the International Financial Reporting Standards, or other similar standards; (2) both companies are consolidated with a third company on a financial statement prepared in accordance with such principles or standards; or (3) for a company that is not subject to such principles or standards, if consolidation as described in (1) or (2) of this definition would have occurred if such principles or standards had applied. *See* Bank Margin Rules §_.2; CFTC Margin Rules, 17 CFR 23.151. In addition, under the Prudential Regulators version of the Swap Margin Segregation Rules, a company is an affiliate of another company if the applicable Prudential Regulator has determined that a company is an affiliate of another company, based on the Prudential Regulator's conclusion that either company provides significant support to, or is materially subject to the risks or losses of, the other company. *See* Bank Margin Rules §_.2. Under these definitions, DTC would not be an affiliate of any Participant or Pledgee.

[18] *See* Bank Margin Rules §_.7; CFTC Margin Rules, 17 CFR 23.157.

[19] *See* Bank Margin Rules §_.7(c); CFTC Margin Rules, 17 CFR 23.157(c).

[20] *Id.*

[21] A Swap Margin Segregation Account would be a Pledgee Account, and all DTC Rules and Procedures applicable to a Pledgee Account would be applicable to a Swap Margin Segregation Account.

[22] DTC would not monitor any such default but the action by the Swap Margin Pledgor in releasing or retrieving its Pledged Swap Margin Securities would constitute the representation and warranty that it is acting in accordance with its counterparty agreement.

Account of the Swap Margin Pledgee even if DTC receives a conflicting instruction from the Swap Margin Pledgor to transfer such Swap Margin from such Shared Access Pledgee Account back to the relevant Swap Margin Origination Account of the Swap Margin Pledgor;

iii. to any Swap Margin Pledgor or Swap Margin Pledgee as a result of (i) any loss or liability suffered or incurred by such Swap Margin Pledgor or Swap Margin Pledgee arising out of or relating to the matters subject to Rule 36, unless caused directly by the gross negligence or willful misconduct of DTC or by a violation of Federal securities law by DTC for which there is a private rule of action, or (ii) any force majeure, market disruption or technical malfunction that prevents DTC from performing its obligations to such Swap Margin Pledgor or Swap Margin Pledgee pursuant to Rule 36; or

iv. to any third party (including any customer of any Swap Margin Pledgor or Swap Margin Pledgee) for any reason.

Implementation Timeframe

The proposed rule change would be implemented 30 days after the date of filing, or such shorter time as the Commission may designate.

2. Statutory Basis

DTC believes that the proposed rule change is consistent with the requirements of the Act, and the rules and regulations thereunder applicable to DTC, in particular Section 17A(b)(3)(F) of the Act [23] and Rule 17Ad–22(e)(21) thereunder.[24]

Section 17A(b)(3)(F) of the Act requires, *inter alia,* that the rules of the clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions.[25] By providing for Accounts and Pledges expressly designed to satisfy the parameters of the Swap Margin Segregation Rules, the proposed rule change affords the efficiency of DTC book-entry transfers for the satisfaction of the Swap Margin Segregation Rules with respect to Deposited Securities held at DTC, thereby promoting the prompt and accurate clearance and settlement of these securities transactions, consistent with the requirements of the Act, in particular Section 17A(b)(3)(F), cited above.

Rule 17Ad–22(e)(21) requires, *inter alia,* that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to be efficient and effective in meeting the requirements of its participants and the markets it serves.[26] Pursuant to the proposed rule change, the DTC Rules would be updated to provide a transparent framework for the segregation of Swap Margin at DTC, and therefore is designed to meet the requirements of Participants and Pledgees that are subject to the Swap Margin Segregation Rules, consistent with the requirements of Rule 17Ad–22(e)(21), cited above.

(B) Clearing Agency's Statement on Burden on Competition

DTC does not believe that the proposed rule change would have any impact, or impose any burden, on competition because the proposed rule and its features are available to all Participants and Pledgees equally on a non-discriminatory basis. Swap Margin Pledgors and Swap Margin Pledgees will be charged fees applicable to the maintenance of Accounts and transaction fees that are not different from established published fees.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

DTC has not solicited and does not intend to solicit comments regarding the proposed rule change. DTC has not received any unsolicited written comments from interested parties. To the extent DTC receives written comments on the proposed rule change, DTC will forward such comments to the Commission.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) Significantly affect the protection of investors or the public interest;

(ii) impose any significant burden on competition; and

(iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [27] and Rule 19b–4(f)(6) thereunder.[28]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–DTC–2017–009 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–DTC–2017–009. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of DTC and on DTCC's Web site (*http://dtcc.com/legal/sec-rule-filings.aspx*). All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–DTC–2017–009 and should be submitted on or before July 19, 2017.

[23] 15 U.S.C. 78q–1(b)(3)(F).

[24] 17 CFR 240.17Ad–22(e)(21).

[25] 15 U.S.C. 78q–1(b)(3)(F).

[26] 17 CFR 240.17Ad–22(e)(21).

[27] 15 U.S.C. 78s(b)(3)(A).

[28] 17 CFR 240.19b–4(f)(6).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–13489 Filed 6–27–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80999; File No. SR–ISE–2017–59]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Section III of the Schedule of Fees

June 22, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 19, 2017, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') 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 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 Section III of the Schedule of Fees to eliminate FX Option fees and rebates for trades executed on June 12–30, 2017.

The text of the proposed rule change is available on the Exchange's Web site at *www.ise.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Section III of the Schedule of Fees to eliminate FX Option fees and rebates for trades executed on June 12–30, 2017 in connection with the migration of the Exchange's trading system to the Nasdaq INET technology, which is scheduled to begin on June 12, 2017.[3] The Exchange will launch its re-platformed INET trading system beginning with FX Options on June 12, 2017. The Exchange proposes to eliminate fees and rebates for trades in FX Options executed on the INET trading system from June 12–30, 2017. Because the Exchange is eliminating fees and rebates for trades in these products, during this period trades in FX Options will not be counted towards a member's tier for June activity. The proposed change would allow the Exchange to bill June fees solely based on activity traded on the current T7 trading system,[4] and is an inducement for members to trade the first symbols launched on the INET trading system as there would be no transaction fees for doing so.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[5] in general, and Section 6(b)(4) of the Act,[6] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

The Exchange believes that it is reasonable and equitable to eliminate fees and rebates for FX Options during the initial launch of the Exchange's re-platformed trading system. Eliminating FX Option fees and rebates during this period will simplify the Exchange's billing and serve as an inducement for members to trade the first symbols migrated to the INET trading system. Because the Exchange is offering free executions in these symbols, volume executed in FX Options on June 12–30, 2017 will not be counted towards any volume based tiers. Similar treatment was afforded to the first symbol launched on the Nasdaq GEMX, LLC INET trading system.[7] The Exchange believes that these two changes will be attractive to members that trade on the new INET trading system. The Exchange also believes that this proposed change is not unfairly discriminatory as it will apply to FX Options trades that are executed by all members. As noted above, FX Options were selected for this treatment as those products will be the first symbols traded on the INET trading system.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[8] the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is intended to ease members' transition to the re-platformed INET trading system and is not designed to have any significant competitive impact. The Exchange operates in a highly competitive market in which market participants can readily direct their order flow to competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and rebates to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed fee changes reflect this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[9] and Rule 19b–4(f)(2) [10] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of

[29] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 80432 (April 11, 2017), 82 FR 18191 (April 17, 2017) (SR–ISE–2017–03).

[4] Additional symbols may be rolled out on the INET trading system later in June. The Exchange intends to eliminate fees and rebates for those symbols in a later proposed rule change to be filed prior to their introduction on INET.

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(4).

[7] *See* Securities Exchange Act Release No. 80184 (March 9, 2017), 82 FR 13893 (March 15, 2017) (SR–ISEGemini–2017–09)

[8] 15 U.S.C. 78f(b)(8).

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 240.19b–4(f)(2).

investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–ISE–2017–59 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–ISE–2017–59. 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–ISE–2017–59 and should be submitted on or before July 19, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–13475 Filed 6–27–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80998; File No. SR–IEX–2017–10]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change Related to Auctions in IEX-Listed Securities, Dissemination of Auction-Related Market Data, and Provisions Governing Trading Halts and Pauses

June 22, 2017.

On April 20, 2017, the Investors Exchange LLC (''IEX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt rules governing auctions conducted on the Exchange for IEX-listed securities, provide for the dissemination of auction-related market data, and add rule provisions governing trading halts and trading pauses in IEX-listed securities pursuant to the Limit Up-Limit Down Plan. The proposed rule change was published for comment in the **Federal Register** on May 9, 2017.[3] The Commission received one comment regarding the proposed rule change.[4] The Exchange responded to the comment on June 5, 2017.[5]

Section 19(b)(2) of the Act[6] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is June 23, 2017. The Commission is extending this 45-day time period for Commission action on the proposed rule change.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[7] designates August 7, 2017, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–IEX–2017–10).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–13474 Filed 6–27–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81002; File No. SR–FICC–2017–015]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Make Clarifications and Corrections to the Government Securities Division Rulebook, the Mortgage-Backed Securities Division Clearing Rules and the Mortgage-Backed Securities Division EPN Rules

June 22, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 16, 2017, Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. FICC filed the

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[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 80583 (May 3, 2017), 82 FR 21634.

[4] *See* letter to Brent J. Fields, Secretary, Commission, from Joan C. Conley, Senior Vice President and Corporate Secretary, The NASDAQ Stock Market LLC, dated May 30, 2017.

[5] *See* letter to Brent J. Fields, Secretary, Commission, from Sophia Lee, General Counsel, IEX, dated June 5, 2017.

[6] 15 U.S.C. 78s(b)(2).

[7] 15 U.S.C. 78s(b)(2).

[8] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

proposal pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(4) thereunder [4] so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would make clarifications and corrections (including the addition of certain new definitions, as described in more detail below) to FICC's Government Securities Division (''GSD'') Rulebook (the ''GSD Rules''), Mortgage-Backed Securities Division (''MBSD'') Clearing Rules (the ''MBSD Clearing Rules'') and MBSD EPN Rules (the ''EPN Rules,'' and collectively with the GSD Rules and the MBSD Clearing Rules, the ''Rules''), as described in greater detail below.[5]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to make certain clarifications and corrections (including the addition of certain new definitions) to the Rules so that the Rules remain consistent and clear. The proposed changes consist only of clarifications and corrections (including the addition of certain new definitions) and do not change any of the rights or obligations of the GSD Members, MBSD Members or EPN Users.

(i) Proposed Changes to the GSD Rules

FICC is proposing to make the following changes to the GSD Rules:

A. Proposed Changes to GSD Rule 1—Definitions

(1) Delete the incorrect reference to ''Section 1 of Rule 2'' in the definition of ''Bank Netting Member'' and replace it with a reference to ''Section 2 of Rule 2A.''

(2) Correct certain definitions relating to brokers and dealers and add certain defined terms in conjunction with such corrections, as described below (collectively, the changes referred to in this item (2) are referred to as the ''Broker/Dealer Changes''):

(i) FICC has identified that the existing terms ''Registered Government Securities Brokers'' and ''Registered Government Securities Dealers'' refer to brokers and dealers registered with the Commission under either Section 15 or Section 15C of the Act, when such terms should only refer to brokers and dealers registered under Section 15C of the Act. The proposed rule change would correct these definitions in this regard.

(ii) Two new terms, ''Registered Broker'' and ''Registered Dealer,'' would be added to GSD Rule 1 to address brokers and dealers that are registered under Section 15 of the Act.

(iii) The term ''Broker,'' which is defined in part as a ''Registered Government Securities Broker,'' would be updated to add a reference to a ''Registered Broker.'' In addition, ''or'' is being added to reflect that a Broker would include a Registered Broker or a Registered Government Securities Broker. These corrections would make the definition consistent with the manner in which the term ''Broker'' is used throughout the GSD Rules and consistent with the corrections noted above in clauses (i) and (ii).

(iv) The term ''Dealer,'' which is defined as a ''Registered Government Securities Dealer,'' would be updated to add a reference to a ''Registered Dealer.'' In addition, ''or'' is being added to reflect that a Dealer would include a Registered Dealer or a Registered Government Securities Dealer. These corrections would make the definition consistent with the manner in which the term ''Dealer'' is used throughout the GSD Rules and consistent with the corrections noted above in clauses (i) and (ii).

(3) Delete references to ''Category 1 Inter-Dealer Broker'' and ''Category 2 Inter-Dealer Broker'' in the definition of ''Brokered Transaction'' and replace them with ''Inter-Dealer Broker,'' make a grammatical change, and change the numbering in the definition to reflect the replacements. The concept of and all other references to Category 1 Inter-Dealer Brokers and Category 2 Inter-Dealer Brokers were intended to be removed from the GSD Rules in connection with the Commission's approval of rule filing SR–FICC–2010–09,[6] however, a few references inadvertently remain in the current version of the GSD Rules.

(4) Delete the references to ''Registered Government Securities Broker'' and ''Registered Government Securities Dealer'' in the definition of ''Covered Affiliate'' and replace each reference with ''Broker'' and ''Dealer,'' respectively. Currently, ''Covered Affiliate'' is defined in part to include certain ''Registered Government Securities Brokers'' and ''Registered Government Securities Dealers,'' however, this definition should also include certain ''Registered Brokers'' and ''Registered Dealers,'' as such terms are proposed to be added in this filing. The revised terms ''Broker'' and ''Dealer'' as proposed by this filing would also include Registered Brokers and Registered Dealers. This correction would make the definition consistent with the manner in which the term ''Covered Affiliate'' is used throughout the GSD Rules and consistent with the Broker/Dealer Changes noted above.

(5) Change the definition of the term ''Designated Examining Authority'' to replace the existing descriptions of brokers and dealers with ''Broker or Dealer, as applicable.'' The use of the updated terms ''Broker'' and ''Dealer'' as proposed above and the addition of ''as applicable'' would refer to brokers and dealers registered under Section 15 of the Act and under Section 15C of the Act in a more succinct manner, would ensure consistency with the manner in which ''Designated Examining Authority'' is used throughout the GSD Rules and would be consistent with the Broker/Dealer Changes noted above.

(6) Delete the repeated definitions of the terms ''Eligible Letter of Credit'' and ''Eligible Netting Security.''

(7) Delete the reference to ''whole percentage'' and replace it with ''two decimal places'' in the definition of the term ''Excess Capital Ratio'' to reflect that the quotient is rounded to the nearest two decimal places. The proposed change would make the GSD Rules consistent with the MBSD Clearing Rules, which would have an equivalent definition.

(8) Delete the reference to ''GSCC'' and replace it with ''the Corporation'' in the definition of the ''Full-Sized Trade'' because GSCC is not a defined term that is used in the GSD Rules. GSCC refers

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4).

[5] Each capitalized term used herein and not otherwise defined shall have the meaning set forth in the GSD Rules, MBSD Clearing Rules or the EPN Rules, as applicable, *available at http://www.dtcc.com/legal/rules-and-procedures.*

[6] Securities Exchange Act Release No. 63986 (February 28, 2011); 76 FR 12144 (March 4, 2011) (SR–FICC–2010–09).

to GSD's predecessor, the Government Securities Clearing Corporation.[7]

(9) Add a new defined term for ''Inter-Dealer Broker'' consistent with the manner in which the term is currently used in the GSD Rules and consistent with the MBSD Clearing Rules, which have the equivalent definition.

(10) Delete the following definitions because they are not used in the GSD Rules: ''Member Brokered Transaction,'' ''Non-Member Brokered Transaction,'' and ''Offsetting Position.''

B. Proposed Changes to GSD Rule 2A—Initial Membership Requirements

(1) Delete the references to ''Registered Government Securities Dealer'' and replace them with ''Dealer'' in Section 2(a)(ii) to reflect the Broker/Dealer Changes noted above.

(2) Correct two grammatical errors in Section 2(a)(iv).

(3) Delete the references to ''Duff & Phelps (''D&P'')'' and ''D&P'' and replace them with ''Fitch Ratings (''Fitch'')'' and ''Fitch,'' respectively, in Section 4 because Duff & Phelps Credit Rating Co. was acquired by Fitch IBCA.

(4) Delete the incorrect reference to ''Rule 3'' and replace it with ''this Rule 2A'' in Section 6.

C. Proposed Changes to GSD Rule 3—Ongoing Membership Requirements

Add ''Ratio'' after the reference to ''Excess Capital'' to read ''Excess Capital Ratio'' in Section 14. Section 14 requires a Netting Member to make a Clearing Fund deposit if its Excess Capital Ratio exceeds 1.0 because of the perceived risk posed by such Netting Member. Such deposit is calculated to bring the Clearing Fund to a desired level regarding the risk relating to such Netting Member. FICC currently calculates and has historically calculated this deposit using the Excess Capital Ratio as a multiple. Reference to Excess Capital as the multiple in the GSD Rules is incorrect—using Excess Capital as the multiple would result in a deposit requirement for a Netting Member that far exceeds the amount that FICC has determined is needed to increase the Clearing Fund to the desired level. The proposed change would make the GSD Rules consistent with the MBSD Clearing Rules, which have an equivalent formula in MBSD Clearing Rule 3 Section 12.

D. Proposed Changes to GSD Rule 4—Clearing Fund and Loss Allocation

(1) Delete the incorrect reference to ''Section 8'' in the first paragraph of Section 5 and replace it with ''Section 7.''

(2) Delete the phrase ''Category 1'' before the words ''Inter-Dealer Broker Netting Member'' in Section 5 and make a grammatical change to reflect the deletion. The concept of and all other references to the term Category 1 were intended to be removed from the GSD Rules in connection with the Commission's approval of rule filing SR–FICC–2010–09,[8] however, this reference inadvertently remains in the current version of the GSD Rules.

E. Proposed Changes to GSD Rule 5—Comparison System

Capitalize the word ''trades'' in the phrase ''Full-Sized trades'' in Section 4 so that it reflects the defined term ''Full-Sized Trade,'' which is currently included in GSD Rule 1.[9]

F. Proposed Changes to GSD Rule 15—Special Provisions for Certain Netting Members

(1) Remove a reserved section heading and renumber section headings that currently follow that heading to reflect its removal.

(2) Delete the phrase ''or an Inter-Dealer Broker Netting Member'' in the third sentence in proposed renumbered Section 2 because the term Inter-Dealer Broker Netting Member is inadvertently referenced twice.

G. Proposed Changes to GSD Rule 17—Netting and Settlement of Netting-Eligible Auction Purchases

Remove a reserved section heading and renumber section headings that currently follow that heading to reflect its removal.

(ii) Proposed Changes to the MBSD Clearing Rules

FICC is proposing to make the following changes to the MBSD Clearing Rules:

A. Proposed Changes to MBSD Clearing Rule 1—Definitions

(1) Add a new defined term for ''Close of Business'' consistent with the manner in which the term is currently used in the MBSD Clearing Rules and consistent with the GSD Rules which have the equivalent definition.

(2) Delete the word ''whole'' from the phrase ''whole two decimal places'' in the definition of ''Excess Capital Ratio'' to reflect the standard convention for referencing decimals.

B. Proposed Changes to MBSD Clearing Rule 3—Ongoing Membership Requirements

Delete the phrase ''close of business'' and replace it with ''Close of Business'' in Section 2 so that it reflects the proposed new defined term ''Close of Business,'' which would be added in MBSD Clearing Rule 1.

C. Proposed Changes to MBSD Clearing Rule 4—Clearing Fund and Loss Allocation

(1) Delete the references to ''Total Amount'' and replace them with ''Required Fund Deposit'' in Section 2(d) because Total Amount is not a defined term and the correct reference in that section should be to the amount a Clearing Member is required to deposit to the Clearing Fund pursuant to MBSD Clearing Rule 4, which is the ''Required Fund Deposit.[10]

(2) Delete the reference to ''deposit'' and replace it with ''Required Fund Deposit'' in Section 3 because the correct reference in that section should be to the amount a Clearing Member is required to deposit to the Clearing Fund pursuant to MBSD Clearing Rule 4, which is the ''Required Fund Deposit.''

(3) Clarify that the minimum amount of cash a Clearing Member must deposit into its Required Fund Deposit is $100,000 in Section 3. Section 2(d) refers to the same minimum Required Fund Deposit amount and the proposed change would make Section 3 consistent with Section 2(d).

(4) Delete the references to ''close of business'' and replace them with ''Close of Business'' in Section 5 and Section 8 so that they reflect the proposed new defined term ''Close of Business,'' which would be added in MBSD Clearing Rule 1.

(iii) Proposed Changes to the EPN Rules

FICC is proposing to make the following changes to the EPN Rules:

A. Proposed Changes to Article 1 EPN Rule 1—Definitions

(1) Add a period after ''Rule 1'' to conform the punctuation in EPN Rule 1 with other EPN Rules.

(2) Delete the incorrect cross-reference to ''Article VII'' and replace it with ''Article II'' in the definition of ''Account.''

(3) Delete the incorrect cross-reference to ''Article VI'' and replace it with

[7] FICC resulted from a merger of GSCC and the Mortgage-Backed Securities Clearing Corporation on January 1, 2003.

[8] *See supra* note 6.

[9] ''Full-Sized Trade'' means a trade that is submitted to FICC in the full-size dollar amount in which it was executed as opposed to being submitted in an equivalent amount of $50 million pieces and a single tail. See GSD Rule 1, *supra* note 5.

[10] ''Required Fund Deposit'' means the amount a Clearing Member is required to deposit to the Clearing Fund pursuant to MBSD Clearing Rule 4. *See* MBSD Clearing Rule 1, *supra* note 5.

''Article I'' in the definition of ''EPN Eligible Security.''

(4) Delete the incorrect cross-reference to ''Article X'' and replace it with ''Article V'' in the definition of ''EPN Procedures.''

(5) Delete the incorrect cross-references to ''Articles VI, VII, VIII, IX and X of the Rules,'' in the definition of ''EPN Rules.'' Such references to the Articles are unnecessary.

(6) Move the definition of ''EPN Service'' so that it is in correct alphabetical order.

(7) Delete the incorrect cross-reference to ''Article VIII'' and replace it with ''Article III'' in the definition of ''EPN User Agreement.''

(8) Delete the definition of ''Membership and Risk Management Committee'' because this term is not used in the EPN Rules.

(9) Move the definition of ''Messages'' so that it is in correct alphabetical order.

(10) Delete the incorrect cross-reference to ''Article VII'' and replace it with ''Article II'' in the definition of ''Message Detail Report.''

(11) Delete the incorrect reference to ''Article VII'' and replace it with ''Article II'' in the definition of ''Message Summary Report.''

(12) Delete the definition of ''Operations and Planning Committee'' because this term is not used in the EPN Rules.

B. Proposed Changes to Article I EPN Rule 2—EPN Eligible Securities

Correct a grammatical error and delete the incorrect cross-reference to ''Article X'' and replace it with ''Article V.''

C. Proposed Changes to Article II—Messages Processed by the Corporation

(1) Add the following language to EPN Rule 1 Section 1: ''The Corporation shall maintain one or more Accounts for each EPN User'' because this language appears to have been inadvertently deleted from previous versions of the EPN Rules.

(2) Delete the term ''Reports'' and replace it with lowercased ''reports'' in EPN Rule 2 Section 1 because Reports is not a defined term in the EPN Rules.

D. Proposed Changes to Article III—EPN Users

(1) Delete the incorrect cross-reference to ''Article X'' and replace it with ''Article V'' and correct a grammatical error in EPN Rule 1 Section 5.

(2) Delete the incorrect cross-reference to ''Article X'' and replace it with ''Article V'' in EPN Rule 1 Section 7.

(3) Correct two grammatical errors in EPN Rule 2 Section 1.

(4) Delete the incorrect cross-reference to ''Article VIII'' and replace it with ''Article III'' in EPN Rule 3 Section 1.

E. Proposed Changes to Article V—Miscellaneous

(1) Add ''EPN'' before each reference to ''Rules'' because ''EPN Rules'' is the correct defined term.

(2) Remove extra spaces between ''Interested'' and ''Person'' in the first paragraph of Rule 7 Section 1 and replace ''a'' with ''an'' before the proposed addition of ''EPN'' in the second paragraph of Rule 7 Section 1 for grammatical correctness.

(3) Add ''EPN'' before each reference to ''Procedures'' because ''EPN Procedures'' is the correct defined term.

(4) Add a tab space before certain paragraphs throughout Article V to conform the spacing in Article V to the other Articles in the EPN Rules.

(5) Delete the reference to ''minor rule violation'' and replace it with ''Minor Rule Violation'' in EPN Rule 7 Section 3 so that it reflects the defined term, ''Minor Rule Violation,'' which is currently included in EPN Rule 7 Section 2, and correct the cross-reference in that Section to reflect that the term ''Minor Rule Violation'' is defined in Section 2 of EPN Rule 7 rather than Section 3.[11]

(6) Delete the heading ''SEC. 6. FINALITY OF CORPORATION ACTION'' because it is misplaced, and reorder the numbering for each EPN Rule that currently follows that heading so that each such EPN Rule continues as part of Article V.

(7) Correct a grammatical error in proposed renumbered EPN Rule 14(b)(ii).

(8) Correct a grammatical error, and delete the incorrect cross-reference to ''Article X'' and replace it with ''Article V'' in proposed renumbered EPN Rule 14(c).

2. Statutory Basis

Section 17A(b)(3)(F) [12] of the Act requires, in part, that the Rules be designed to promote the prompt and accurate clearance and settlement of securities transactions. FICC believes that the proposed rule change has been designed to promote the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F).[13] Specifically, the proposed rule change would clarify the meaning of certain provisions of the Rules, correct grammatical errors, correct cross-references and similar technical changes, which ensure that the Rules are consistent and clear. As such, FICC believes the proposed rule change would allow GSD Members, MBSD Members and EPN Users governed by the applicable Rules to have a better understanding of the Rules and thereby assist in promoting the prompt and accurate clearance and settlement of securities transactions.

(B) Clearing Agency's Statement on Burden on Competition

FICC does not believe that the proposed rule change will have any impact on competition because the proposed changes to the Rules are clarifications and corrections (including the addition of certain new definitions), which would not change FICC's current practices or the rights or obligations of the GSD Members, MBSD Members or EPN Users bound by the applicable Rules. Therefore, the proposed changes should have no effect on the GSD Members, MBSD Members or EPN Users that are bound by the applicable Rules other than to foster a better understanding of the applicable Rules by such GSD Members, MBSD Members and EPN Users.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not been solicited or received. FICC will notify the Commission of any written comments received by FICC.

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) [14] of the Act and subparagraph (f)(4) of Rule 19b–4 [15] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing,

[11] ''Minor Rule Violation'' means a violation of the EPN Rules for which a fine may be assessed against the Interested Person in an amount not to exceed $5,000. *See* Article V, EPN Rule 7, Section 2, *supra* note 5.

[12] 15 U.S.C. 78q–1(b)(3)(F).

[13] *Id.*

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(4).

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–FICC–2017–015 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–FICC–2017–015. 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 FICC and on DTCC's Web site (*http://dtcc.com/legal/sec-rule-filings.aspx*). All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FICC–2017–015 and should be submitted on or before July 19, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–13490 Filed 6–27–17; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 10048]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''KLIMT & RODIN: An Artistic Encounter'' Exhibition

Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that certain objects to be included in the exhibition ''KLIMT & RODIN: An Artistic Encounter,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Fine Arts Museums of San Francisco, Legion of Honor, San Francisco, California, from on or about October 14, 2017, until on or about January 28, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register.**

For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–13493 Filed 6–27–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10042]

30-Day Notice of Proposed Information Collection: Passport Demand Forecasting Survey

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to July 28, 2017.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to the Office of Passport Services, who may be reached at *passportstudy@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Passport Demand Forecasting Survey.
- *OMB Control Number:* 1405–0177.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, Office of Passport Services.
- *Form Number:* SV–2012–0006.
- *Respondents:* A national representative sample of U.S. citizens, nationals, and any other categories of individuals that are entitled to a U.S. passport product.
- *Estimated Number of Respondents:* 48,000.
- *Estimated Number of Responses:* 48,000.
- *Average Time per Response:* 10 minutes.

• *Total Estimated Burden Time:* 8,000 hours.
• *Frequency:* Monthly.
• *Obligation to Respond:* Voluntary.

We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
• Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
• Enhance the quality, utility, and clarity of the information to be collected.
• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection: The Secretary of State is authorized to issue U.S. passports under 22 U.S.C. 211a. The Department of State, Passport Services administers the U.S. passport issuance program and operates passport agencies and application adjudication centers throughout the United States. As part of the Intelligence Reform and Terrorism Prevention Act of 2004, the Western Hemisphere Travel Initiative required the Secretary of Homeland Security and the Secretary of State to implement a plan to require all U.S. citizen and non-citizen nationals to present a passport and/or other sufficient documentation when entering the United States. This resulted in an increase in demand for U.S. passports.

The Passport Demand Forecasting Survey requests information from the general public about the demand for U.S. passports, anticipated travel, and the demographic profile of the respondent. This voluntary survey is conducted on a monthly basis using responses from a randomly selected but nationally representative sample of U.S. nationals ages 18 and older. The information obtained from the survey is used to monitor and project the demand for U.S. passport books and U.S. passport cards. The Passport Demand Forecasting Survey aids the Department of State, Passport Services in making decisions about staffing, resource allocation, and budget planning.

The Department of State published a 60-day notice in the **Federal Register** to solicit public comments on January 19, 2017 (82 FR 6684). One comment was received that was not substantive.

Methodology: The Passport Demand Forecasting Study uses monthly surveys that will gather data from a national representative sample of U.S. nationals. Survey delivery methodologies can include mail, internet/web, telephone, and mix-mode surveys to ensure the CA/PPT reaches the appropriate audience and leverages the best research method to obtain valid responses. The survey data will cover an estimated 48,000 respondents annually.

Brenda S. Sprague,

Deputy Assistant Secretary, for Passport Services, Department of State.

[FR Doc. 2017–13500 Filed 6–27–17; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice: 10029]

30-Day Notice of Proposed Information Collection: Overseas Pre-Assignment Medical History and Examination, Non-Foreign Service Personnel and Their Family Members

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to July 28, 2017.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

• *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
• *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Joan F. Grew, who may be reached on 703–875–5412 or at *GrewJF@State.gov.*

SUPPLEMENTARY INFORMATION:

• *Title of Information Collection:* Overseas Pre-Assignment Medical History and Examination, Non-Foreign Service Personnel and Their Family Members.
• *OMB Control Number:* 1405–0194.
• *Type of Request:* Revision of a Currently Approved Collection.
• *Originating Office:* Bureau of Medical Services—Medical Clearances.
• *Form Number:* DS–6561.
• *Respondents:* Non-foreign service employees or family members.
• *Estimated Number of Respondents:* 9890.
• *Estimated Number of Responses:* 9890.
• *Average Time per Response:* 1 hour.
• *Total Estimated Burden Time:* 9,890 hours.
• *Frequency:* As needed.
• *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
• Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
• Enhance the quality, utility, and clarity of the information to be collected.
• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection: Form DS–6561 is designed to succinctly collect appropriate and current medical information about an individual in order for a medical provider to make a determination as to whether a federal employee or contractor or eligible family member will have sufficient medical and educational resources at a diplomatic mission abroad to maintain the health and safety of the individual or family member. It is designed for all non-Foreign Affairs Agency employees, or their eligible family members.

Methodology: The information collected will be collected through the use of an electronic forms engine or by

hand written submission using a pre-printed form.

Behzad Shahbazian,

Director of Clinical Services, Bureau of Medical Services, Department of State.

[FR Doc. 2017–13499 Filed 6–27–17; 8:45 am]

BILLING CODE 4710–36–P

SURFACE TRANSPORTATION BOARD

Indexing the Annual Operating Revenues of Railroads

The Surface Transportation Board (STB) is publishing the annual inflation-adjusted index factors for 2016. These factors are used by the railroads to adjust their gross annual operating revenues for classification purposes. This indexing methodology ensures that railroads are classified based on real business expansion and not on the effects of inflation. Classification is important because it determines the extent to which individual railroads must comply with STB reporting requirements.

The STB's annual inflation-adjusted factors are based on the annual average Railroad Freight Price Index developed by the Bureau of Labor Statistics. The STB's deflator factor is used to deflate revenues for comparison with established revenue thresholds.

The base year for railroads is 1991. The inflation index factors are presented as follows:

STB Railroad Inflation-Adjusted Index and Deflator Factor Table

Year	Index	Deflator
1991	409.50	[1] 100.00
1992	411.80	99.45
1993	415.50	98.55
1994	418.80	97.70
1995	418.17	97.85
1996	417.46	98.02
1997	419.67	97.50
1998	424.54	96.38
1999	423.01	96.72
2000	428.64	95.45
2001	436.48	93.73
2002	445.03	91.92
2003	454.33	90.03
2004	473.41	86.40
2005	522.41	78.29
2006	567.34	72.09
2007	588.30	69.52
2008	656.78	62.28
2009	619.73	66.00
2010	652.29	62.71
2011	708.80	57.71
2012	740.61	55.23
2013	764.19	53.53
2014	778.41	52.55
2015	749.22	54.60
2016	732.38	55.85

[1] In *Montana Rail Link, Inc., & Wisconsin Central Ltd., Joint Petition for Rulemaking with Respect to 49 CFR Part 1201,* 8 I.C.C.2d 625 (1992), the Board's predecessor, the Interstate Commerce Commission, raised the revenue classification level for Class I railroads from $50 million (1978 dollars) to $250 million (1991 dollars), effective for the reporting year beginning January 1, 1992. The Class II threshold was also raised from $10 million (1978 dollars) to $20 million (1991 dollars).

Effective Date: January 1, 2016.

For Further Information Contact: Pedro Ramirez 202–245–0333. [Federal Information Relay Service (FIRS) for the hearing impaired: 1–800–877–8339]

By the Board, William Brennan, Acting Director, Office of Economics.

Tammy Lowery,

Clearance Clerk.

[FR Doc. 2017–13511 Filed 6–27–17; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability of the Federal Aviation Administration Adoption and Record of Decision of Department of Navy's Final Environmental Impact Statement and Final Supplemental Environmental Impact Statement for Land Acquisition and Airspace Establishment To Support Large-Scale Marine Air Ground: Task Force Live Fire and Maneuver Training, Twentynine Palms

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of record of decision.

SUMMARY: The Federal Aviation Administration (FAA) announces its decision to adopt the Department of the Navy's (DoN) Environmental Impact Statement (EIS) and Supplemental Environmental Impact Statement (SEIS) for Land Acquisition and Airspace Establishment to Support Large-Scale Marine Air Ground Task Force Live-Fire and Maneuver Training at Marine Corps Air Ground Combat Center, Twentynine Palms, California. In accordance with Section 102 of the National Environmental Policy Act of 1969 (''NEPA''), the Council on Environmental Quality's (''CEQ'') regulations implementing NEPA (40 CFR parts 1500–1508), and other applicable authorities, including the Federal Aviation Administration (FAA) Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 8–2, and FAA Order JO 7400.2K, ''Procedures for Handling Airspace Matters,'' paragraph 32–2–3, the FAA has conducted an independent review and evaluation of the DoN's EIS and SEIS for Land Acquisition and Airspace Establishment to Support Large-Scale Marine Air Ground Task Force Live-Fire and Maneuver Training at Marine Corps Air Ground Combat Center, Twentynine Palms, California dated July 2012 and January 2017 respectively. As a cooperating agency with responsibility for approving special use airspace under 49 U.S.C. 40103(b)(3)(A), the FAA provided subject matter expertise to the DoN during the environmental review process. Based on its independent review and evaluation, the FAA has determined the EIS and SEIS, including all supporting documentation, as incorporated by reference, adequately assesses and discloses the environmental impacts for the temporary special use air space, and that adoption of the 2012 and 2017 EISs by the FAA is authorized under 40 CFR 1506.3, Adoption. Accordingly, the FAA adopts the 2012 and 2017 EISs, and takes full responsibility for the scope and content that addresses the proposed temporary changes to Special Use Airspace in the vicinity of the Marine Corps Air Ground Combat Center, Twentynine Palms.

FOR FURTHER INFORMATION CONTACT: Paula Miller, Airspace Policy and Regulations Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–7378.

SUPPLEMENTARY INFORMATION:

Background

In July 2012, in accordance with the National Environmental Policy Act and its implementing regulations, the DoN released a Final EIS. The Final EIS presented the potential environmental consequences of the DoN's proposal to establish Special Use Airspace to support Navy training activities that involve the use of advanced weapons systems. The U.S. Marine Corps is the proponent for the temporary SUA in the vicinity of Twentynine Palms, California, and the DoN is the lead agency for the preparation of the EIS and SEIS. The DoN issued their RODs on 2013 and 2017. As a result of public, agency, and tribal comments, and the FAA aeronautical review process; the DoN, FAA, other Federal and State agencies, and tribal governments have

consulted to mitigate concerns while continuing to meet national defense training requirements. The FAA is a cooperating agency responsible for approving Special Use Airspace as defined in 40 CFR 1508.5.

Implementation

The FAA is establishing the following temporary special use airspace: Restricted area R–2509 E/W/N, Johnson Valley MOA/ATCAA, Sundance High MOA/ATCAA, Sundance West MOA/ATCAA, Bristol Low MOA, Bristol ATCAA, CAX Low/High MOA/ATCAA, and Turtle MOA/ATCAA. The Notice of Proposed Rulemaking for temporary R–2509 was published in the **Federal Register** (82 FR 11414) on February 23, 2017. The MOAs were circularized to the public on February 27, 2017, with Docket No 16–AWP–24NR. The legal descriptions for the MRIC Airspace established, as noted in this notice, will be published in the **Federal Register** as a Final Rule and in the National Flight Data Digest (NFDD) with a June 22, 2017, effective date. A copy of the FAAROD is available on the FAA Web site.

Right of Appeal

The Adoption and ROD for the establishment of temporary special use airspace in the vicinity of the Combat Center at Twentynine Palms, California constitutes a final order of the FAA Administrator and is subject to exclusive judicial review under 49 U.S.C. 46110 by the U.S. Circuit Court of Appeals for the District of Columbia or the U.S. Circuit Court of Appeals for the circuit in which the person contesting the decision resides or has its principal place of business. Any party having substantial interest in this order may apply for review of the decision by filing a petition for review in the appropriate U.S. Court of Appeals no later than 60 days after the order is issued in accordance with the provisions of 49 U.S.C. 46110.

Dated: June 21, 2017.

Sam Shrimpton,

Acting Manager, Operations Support Group, Western Service Center.

[FR Doc. 2017–13561 Filed 6–27–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions of Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans).

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final. The actions relate to a proposed highway project, about 12 miles north of the community of Bridgeport, along 3.13 miles of U.S. Highway 395 in Mono County, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before November 27, 2017. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Angela Calloway, Office Chief, District 9 Environmental; Caltrans District 9; 500 S. Main St., Bishop, CA 93514; 8 a.m.–5 p.m.; (760) 872–2424; *Angie.calloway@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans, U.S. Army Corps of Engineers and U.S. Forest Service have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The project proposes to widen the paved shoulders from 2 to 3 feet to 8 feet on U.S. Highway 395 (U.S. 395) in Mono County, north of the community of Bridgeport, near Sonora Junction, from 0.3 mile north of Devil's Gate Summit (post mile 88.42) to Burcham Flat Road (post mile 91.55). In addition, the existing curve between post miles 91.25 and 91.55 (Lemus Curve) has a nonstandard radius and super elevation rate. There were no actions taken by any Federal agencies. The Final Environmental Assessment (EA) for the project, and Caltrans' Finding of No Significant Impact (FONSI), was approved and issued on May 3, 2017. The EA, FONSI, and other project records are available by contacting Caltrans at the address provided above. The Caltrans EA and FONSI can also be viewed and downloaded from the Internet at: *http://www.dot.ca.gov/d9/projects/aspenfales/index.html.*

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. Council on Environmental Quality regulations (40 CFR 1500 *et seq.;* 23 CFR 771);
2. National Environmental Policy Act (NEPA) (42 U.S.C. 4321–4351 *et seq.*);
3. Moving Ahead for Progress in the 21st Century Act (MAP–21, Pub. L. 112–141);
4. Clean Air Act of 1963, as amended (42 U.S.C. 7401 *et seq.*);
5. Noise Control Act of 1979 (42 U.S.C. 4901 *et seq.*);
6. FHWA Noise Standards, Policies, and Procedures (23 CFR 772);
7. Department of Transportation Act of 1966, Section 4(f) (49 U.S.C. 303);
8. Clean Water Act of 1977 and 1987 (33 U.S.C. 1344);
9. Endangered Species Act of 1973 (16 U.S.C. 1531–1543);
10. Migratory Bird Treaty Act (16 U.S.C. 703–712);
11. National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108 *et seq.*);
12. Executive Order 11990, Protection of Wetlands;
13. Executive Order 11988, Floodplain Management;
14. Executive Order 13112, Invasive Species;
15. Executive Order 12898, Federal Actions to Address Environmental Justice and Low-Income Populations;
16. Title VI of Civil Rights Act 1964 (42 U.S.C. 2000d *et seq.*), as amended.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: June 16, 2017.

Larry Vinzant,

Senior Environmental Specialist, Federal Highway Administration, Sacramento, California.

[FR Doc. 2017–13507 Filed 6–27–17; 8:45 am]

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LIST OF PUBLIC LAWS

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